



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: **INFORMATION: The National Electric Vehicle Infrastructure (NEVI) Formula Program Guidance**

Date: February 10, 2022

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In Reply Refer To:  
HCC and HEP

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On November 15, 2021, the President signed into law the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), (Pub. L. 117-58). The purpose of this memorandum is to highlight the new National Electric Vehicle Infrastructure (NEVI) Formula Program authorized under Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL.

This memorandum provides background, funding eligibilities, and program guidance for implementation of these historic investments in electric vehicle (EV) charging infrastructure that will put the United States on a path to a nationwide network of 500,000 EV chargers by 2030 and ensure a convenient, reliable, affordable, and equitable charging experience for all users.

Under this program, each State is required to submit an EV Infrastructure Deployment Plan (Plan) that describes how the State intends to use its apportioned [NEVI Formula Program](#) funds in accordance with this guidance. No NEVI Formula Program funds shall be obligated by a State until FHWA approves that State's Plan, although staffing and other activities related to the development of a Plan will be eligible for reimbursement (in accordance with 2 CFR Part 200).

Plans must be submitted to the Joint Office of Energy and Transportation (Joint Office) not later than August 1, 2022 and the Federal Highway Administration (FHWA) will approve eligible Plans by September 30, 2022. States that submit plans before August 1, 2022 will be approved by FHWA on a rolling basis.

The Joint Office will play a key role in the implementation of the NEVI Formula Program. Much like the formalized partnership between the U.S. Departments of Transportation and Energy, FHWA Division

Offices should encourage State departments of transportation to coordinate directly with their State energy agencies in the development of Plans and in implementation of the NEVI Formula Program.

The Joint Office will provide direct technical assistance to States and FHWA Division offices to develop their Plans. Such requests for technical assistance should be directed to the Joint Office at <https://www.DriveElectric.gov>. The Joint Office is planning a series of outreach activities to support States in the development of their Plans. In addition, FHWA will host internal webinars to help Division Offices understand their roles and responsibilities under the NEVI Formula Program.

Unless noted in this guidance, the NEVI Formula Program shall be administered as if apportioned under chapter 1 of title 23, United States Code. As such, non-technical questions regarding the implementation of the NEVI Formula Program, such as those regarding financial management, non-Federal share, or other title 23 requirements, can be directed to FHWA.

### **General Guidance on use of Federal-Aid Highway Formula Funding**

On December 16, 2021, FHWA issued guidance, "Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America", hereafter "Policy", that serves as an overarching framework to prioritize the use of BIL resources on projects that will Build a Better America. That Policy is available on FHWA's BIL implementation website at the following URL:

[https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building\\_a\\_better\\_america-policy-framework.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy-framework.cfm)

# National Electric Vehicle Infrastructure Formula Program

## Bipartisan Infrastructure Law



## Program Guidance

Federal Highway Administration  
February 10, 2022

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# OVERVIEW

This memorandum provides background, funding eligibilities, and program guidance for the historic investments in Electric Vehicle<sup>1</sup> (EV) charging infrastructure made in the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58 (Nov. 15, 2021).

The BIL makes the most transformative investment in EV charging in United States (U.S.) history that will put us on a path to a nationwide network of 500,000 EV chargers<sup>2</sup> by 2030 that ensures a convenient, reliable, affordable, and equitable charging experience for all users. This national network will:

- Accelerate equitable adoption of EVs, including for those who cannot reliably charge at home.
- Reduce transportation-related greenhouse gas emissions and help put the U.S. on a path to net-zero emissions by no later than 2050.
- Position U.S. industries to lead global transportation electrification efforts and help create family-sustaining union jobs that cannot be outsourced.

The BIL includes a total of up to \$7.5 billion in dedicated funding to help make EV chargers accessible to all Americans for local to long-distance trips. That \$7.5 billion is comprised of a \$5 billion formula program and a \$2.5 billion discretionary grant program:

- 1. National Electric Vehicle Infrastructure (NEVI) Formula Program.** The \$5 billion NEVI Formula Program will provide dedicated funding to States to strategically deploy EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Initially, funding under this program is directed to designated Alternative Fuel Corridors<sup>3</sup> for electric vehicles to build out this national network, particularly along the Interstate Highway System. When the national network is fully built out, funding may be used on any public road or in other publicly accessible locations. Ten percent of the NEVI Formula Program will be set-aside each fiscal year for the Secretary of Transportation to provide discretionary grants to help fill gaps in the national network. A separate process for these “gap-filling” grants will be established in future guidance.
- 2. Discretionary Grant Program for Charging and Fueling Infrastructure.<sup>4</sup>** The \$2.5 billion discretionary grant program is further divided into two distinct \$1.25 billion grant programs to support EV charger deployment. These discretionary grant programs will ensure charger deployment meets the Biden-Harris Administration priorities such as supporting rural charging, building resilient infrastructure, climate change, and increasing EV charging access in underserved and overburdened communities (“disadvantaged communities”):

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<sup>1</sup>All-electric vehicles (EVs), also referred to as battery electric vehicles, use a battery pack to store the electrical energy that powers the motor. EV batteries are charged by plugging the vehicle in to an electric power source. For the purposes of this guidance, EVs include passenger cars and light trucks, unless otherwise noted.

<sup>2</sup>More information describing electric vehicle infrastructure can be found at: [https://afdc.energy.gov/fuels/electricity\\_infrastructure.html](https://afdc.energy.gov/fuels/electricity_infrastructure.html)

<sup>3</sup>National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors (23 U.S.C. § 151(a)-(e)).

<sup>4</sup>National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors (23 U.S.C. § 151(f)).

- **Corridor Charging Grant Program.** This program will strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure along designated Alternative Fuel Corridors.
- **Community Charging Grant Program.** This program will strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure in communities.

This program guidance is focused specifically on the NEVI Formula Program, but additional guidance and information on the Corridor and Community Charging Grant Programs will be forthcoming in a future notice(s) of funding opportunity.

The BIL requires the Secretary of Transportation to establish a deadline by which States shall develop and submit a State EV Infrastructure Deployment Plan (Plan) that describes how the State intends to use its apportioned NEVI Formula Program funds in accordance with this guidance. Plans must be submitted to the Joint Office of Energy and Transportation (Joint Office) not later than **August 1, 2022**. The Federal Highway Administration (FHWA) will review Plans and determine whether they are approved<sup>5</sup> by **September 30, 2022**. States that submit Plans before August 1, 2022 will be approved by FHWA on a rolling basis. No State may obligate its apportioned NEVI Formula Funds for EV charging infrastructure projects until that State's Plan has been submitted<sup>6</sup> to the Joint Office and approved by FHWA, but staffing and development of the Plan will be eligible for reimbursement (in accordance with 2 CFR Part 200). See Section III for additional information about the State EV Infrastructure Deployment Plans.

Because NEVI Formula Program funds are directed to designated Alternative Fuel Corridors to build out a convenient, reliable, affordable, and equitable public charging network, States should first prioritize investments along the Interstate Highway System. States should review their designated Alternative Fuel Corridors and consider designating additional corridors as part of the sixth round of Request for Nominations.<sup>7</sup>

The BIL also requires the Secretary of Transportation, in coordination with the Secretary of Energy and in consultation with relevant stakeholders, to develop minimum standards and requirements applicable to EV chargers under these programs within 180 days of enactment. See Section IV-C for additional information about forthcoming minimum standards and requirements.

These programs will support the Justice40 Initiative<sup>8</sup> which establishes a goal that at least 40% of the benefits of federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities. This does not mean, however, that 40% of all charging infrastructure funded under this program must be located in disadvantaged communities. See Section VI-D for additional information.

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<sup>5</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL, states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires”.

<sup>6</sup> The development of the Plans is an eligible expense as a direct cost for use of the NEVI Formula Program funds.

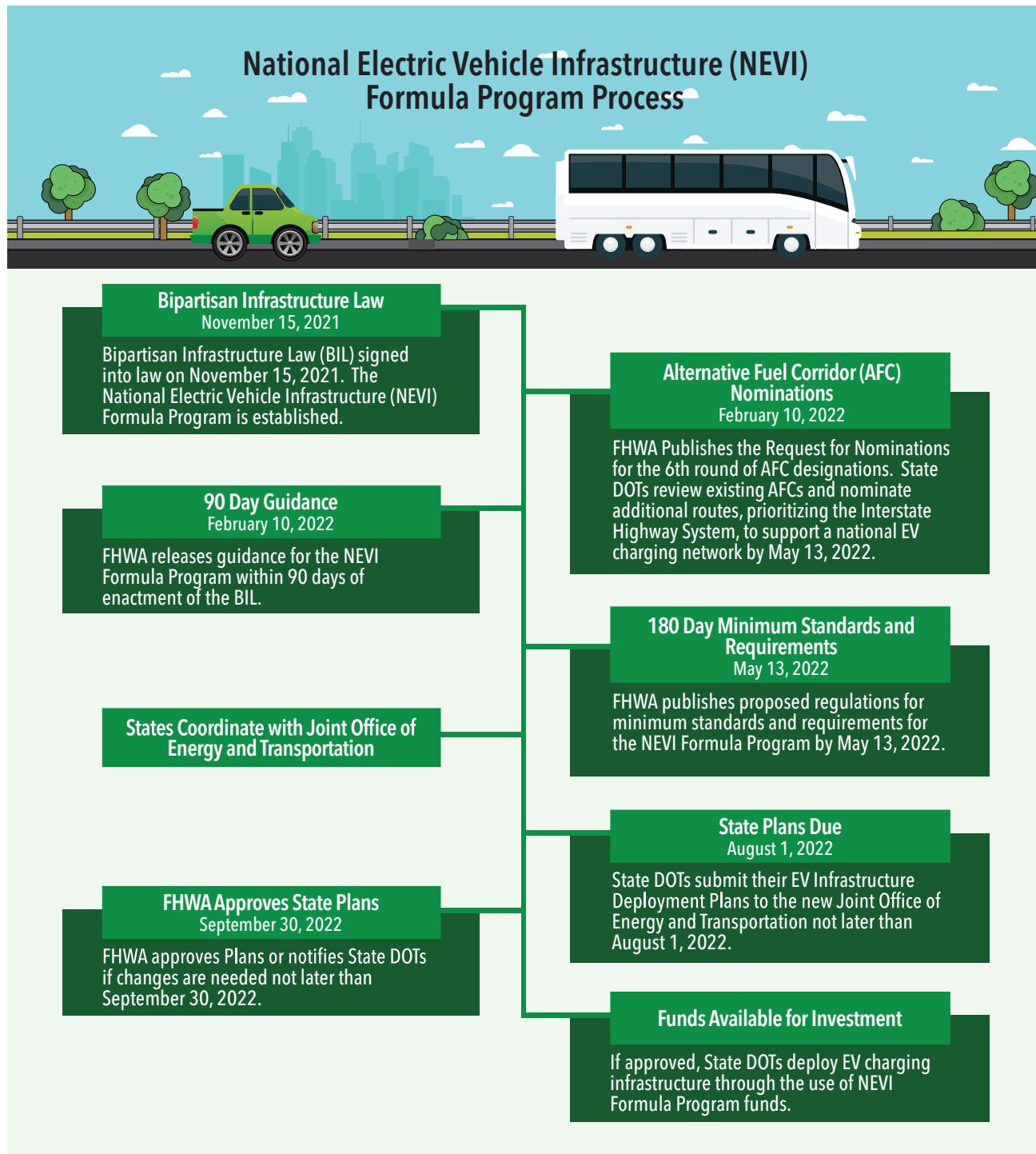
<sup>7</sup> For additional information about the sixth round of Request for Nominations for Alternative Fuel Corridors, please see:

[https://www.fhwa.dot.gov/environment/alternative\\_fuel\\_corridors/](https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/)

<sup>8</sup>OMB, “Interim Implementation Guidance for the Justice40 Initiative,” M-21-28 (July 20, 2021) available at <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

This guidance has been developed by FHWA in coordination with the Department of Energy (USDOE) and is intended to provide general guidance to FHWA Division Administrators and State departments of transportation (DOTs) related to implementation of the NEVI Formula Program. State DOTs should coordinate closely with their State energy and environmental departments, among others, on the implementation of the NEVI Formula Program and to develop their State EV Infrastructure Deployment Plans. See Section IV-B(6) for additional information about this consultation.

This guidance will be supplemented with additional guidance, as necessary.



# I. NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI) FORMULA PROGRAM

The NEVI Formula Program is authorized under Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL, which was signed into law on November 15, 2021.

The purpose of the NEVI Formula Program is to “provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.”<sup>9</sup> To be effective, the EV charging infrastructure deployed under this program must provide a seamless customer experience for all users through a convenient, reliable, affordable, and equitable national EV charging network.

The State EV Infrastructure Deployment Plans created and updated under the NEVI Formula Program are the building blocks that will facilitate this national EV charging network. This national EV charging network will provide EV users with the confidence that they can travel long distances and expect reliable access to EV charging stations when needed, while also recognizing the unique needs of different regions and communities.

All funds associated with the NEVI Formula Program shall be administered as if apportioned under chapter 1 of title 23, United States Code, which encompasses requirements for States to receive Federal-aid funding.

The BIL also amends 23 U.S.C. 151 to establish two new discretionary grant programs to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure: the Discretionary Grant Program for Charging and Fueling Infrastructure (Corridor Charging Grants) and the Discretionary Grant Program for Charging and Fueling Infrastructure (Community Charging Grants). Additional guidance and information on the Corridor and Community Charging Programs will be forthcoming in future guidance and notice(s) of funding opportunity.

This guidance reflects public input received in response to a request for information that was published in the Federal Register on November 29, 2021.<sup>10</sup> Future guidance will reflect additional input, as necessary.

# II. FUNDING FEATURES

## A. Authorization Levels

The BIL appropriates a total of \$5.0 billion for the NEVI Formula Program over the period of fiscal years 2022 through 2026. Table 1 shows the NEVI Formula Program levels by fiscal year.

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<sup>9</sup> Under the NEVI Formula Program, the term “State” is given the same meaning as in section 101 of title 23, United States Code. Under 23 U.S.C. 101(a)(27), State means any of the 50 States, the District of Columbia, or Puerto Rico.

<sup>10</sup> 86 FR 67782

**TABLE 1**

<b>BIPARTISAN INFRASTRUCTURE LAW (BIL)</b>					
Fiscal Year	2022	2023	2024	2025	2026
Avance Appropriation (General Fund)	\$1.000 B				

## **B. NEVI Formula Program<sup>11</sup>**

### **Type of Budget Authority**

- Current and advance appropriations from the General Fund.

### **Period of Availability**

- Available until expended.

### **Pre-Apportionment Set-Asides**

- For FY22 only, the BIL sets aside up to \$300 million for the Departments of Transportation and Energy to establish a Joint Office, which among other activities, is tasked with helping to formulate NEVI Formula Program guidance, best practices, and to provide vision, technical, and other assistance to States and localities in the planning and implementation of a national EV charging network, while also supporting additional transportation electrification efforts in the Federal government.
- For each year of FY22-26, after the set-aside listed above, the BIL sets aside 10 percent of EV Formula funding for grants to States and local governments that require additional assistance to strategically deploy EV charging infrastructure, as determined by the Secretary of Transportation.
- The BIL allows FHWA to use up to 1.5 percent of annual NEVI Formula Program funds for FHWA's operations and administration.

### **Distribution of Funds**

- FHWA will distribute NEVI Formula Program funding (net of the pre-apportionment set-asides described above) among States including the District of Columbia and Puerto Rico on a formula basis. Under the formula, each State receives a share of program funding equal to the State's share of the combined amount that FHWA distributes in—
  - o Federal-aid highway apportionments; and
  - o Puerto Rico Highway Program funding.
- This funding is not subject to any limitation on obligation.

<sup>11</sup> See FHWA NEVI Formula Program distribution table at: <https://www.fhwa.dot.gov/legsregs/directives/notices/n4510863.cfm>

## C. Federal Share and State/Local Match Requirements

The Federal cost-share for NEVI Formula Program projects is 80 percent. Private and State funds can be used to provide the remaining cost-share. NEVI Formula Program funds can be spread further by combining them with other eligible USDOT funding for EV charging infrastructure projects if the eligibility requirements are met for both programs and the total Federal cost-share does not exceed 80 percent. See DOT Funding and Financing Programs with EV eligibilities below.

### DOT Funding and Financing Programs with EV Eligibilities\*

	FY 2022 <sup>1</sup> AMOUNT					
<b>FORMULA PROGRAMS</b>						
National Highway Performance Program (NHP)	\$28.4 B <sup>2</sup>					
Surface Transportation Block Grant Program (STBG)	\$12.5 B <sup>2,3</sup>					
Congestion Mitigation & Air Quality Improvement Program (CMAQ)	\$2.5 B <sup>2</sup>					
National Highway Freight Program (NHFP)	\$1.4 B <sup>2</sup>					
State Planning and Research (SPR)	\$983.3 M <sup>4</sup>					
Metropolitan Planning (PL)	\$438.1 M <sup>2</sup>					
Carbon Reduction Program	\$1.2 B <sup>2,5</sup>					
National Electric Vehicle (NEVI) Formula Program	\$685 M <sup>2,5,6</sup>					
<b>DISCRETIONARY PROGRAMS</b>						
Rebuilding American Infrastructure with Sustainability and Equity (RAISE) (formerly known as BUILD)	\$1.5 B					
Infrastructure for Rebuilding America (INFRA) Grant Program	\$1.64 B <sup>2,7</sup>					
Advanced Transportation and Technologies and Innovative Mobility Deployment	\$60 M <sup>2</sup>					
Discretionary Grant Program for Charging and Fueling Infrastructure	\$300 M <sup>2,5</sup>					
Rural Surface Transportation Grant Program	\$300 M <sup>2,5</sup>					
Reduction of Truck Emissions at Port Facilities Program	\$80 M <sup>2,5,7</sup>					
<b>OTHER ALLOCATED PROGRAMS</b>						
Federal Lands and Tribal Transportation Program (FLTP)	\$1.3 B <sup>2,8</sup>					
Puerto Rico Highway Program (PRHP)	\$173 M <sup>2</sup>					
Territorial Highway Program (THP)	\$46 M <sup>2</sup>					
<b>INNOVATIVE FINANCE PROGRAMS</b>						
State Infrastructure Banks (SIBs)	Varies					
Transportation Infrastructure Financing and Innovation Act (TIFIA)	\$250 M <sup>2</sup>					

\* All eligibility determinations are fact specific. Limitations may apply. Additional low and zero-emission fuel types also may be eligible under these programs.

Note: Total (in millions and billions, rounded to one decimal place)

<sup>1</sup> This table is limited to amounts made available for FY 2022. Unobligated balances of funds made available in prior fiscal years may also remain available for EV eligibilities. For FY 2021 amounts made available for EV eligibilities, see Federal Funding is Available For Electric Vehicle Charging Infrastructure On the National Highway System, April 2021, page 3.

<sup>2</sup> Highway authorizations under the Bipartisan Infrastructure Law. Set-asides have not been excluded except where specifically noted. [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/highway\\_authorizations\\_nov302021.pdf](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/highway_authorizations_nov302021.pdf)

<sup>3</sup> Amount does not include the Transportation Alternatives set-aside.

<sup>4</sup> Amount includes set asides.

<sup>5</sup> New funding program under Bipartisan Infrastructure Law. Pending program establishment. Please refer to program specific guidance.

<sup>6</sup> Reflects the net amount after set-asides for FHWA operations and administration and for the Joint Office of Energy and Transportation.

<sup>7</sup> Amount includes contract authority from the Highway Trust Fund and amounts appropriated in the Bipartisan Infrastructure Law.

<sup>8</sup> Includes EV funding eligibilities under one or more FLTTP programs.

#### LEGEND

					
Construction and installation of EV charging infrastructure including parking facilities and utilities.	Workforce development and training related to EV infrastructure.	EV acquisitions and engine conversions - cars or trucks.	Planning for EV charging infrastructure and related projects.	Construction and installation of EV charging infrastructure to support operational, resiliency, national energy security, environmental, and community goals for freight transportation.	Installation of EV charging infrastructure as part of transit capital projects eligible under chapter 53 of title 49, United States Code.

## D. Specific Funding Requirements

### Statutory Requirements Associated with Alternative Fuel Corridors

- **“Any EV charging infrastructure acquired or installed with NEVI Formula Program funds shall be located along a designated Alternative Fuel Corridor.”**
  - States should prioritize the use of NEVI Formula Program funding for EV charging infrastructure along the Interstate Highway System.
  - As infrastructure must be located along designated corridors, States should review designated Alternative Fuel Corridors and consider nominating additional corridors, prioritizing the Interstate Highway System first, in the current round of Request for Nominations.
  - States may also use NEVI Formula Program funding elsewhere on designated corridors along the National Highway System, as necessary, to ensure a convenient, affordable, reliable, and equitable national network.
- **“If a State determines, and FHWA certifies<sup>12</sup>, that the designated Alternative Fuel Corridors for electric vehicles in the States are fully built out, then the State may use funds provided under the NEVI Formula Program for EV charging infrastructure on any public road or in other publicly accessible locations that are open to the general public or to authorized commercial motor vehicle operators from more than one company.”**
  - Publicly accessible locations may include public parking facilities, parking at public buildings, public transportation stations, Park-and-Rides, public schools, public parks, private parking facilities available for public use, and visitor centers and other public locations on Federal Lands.

<sup>12</sup> As delegated by the Secretary of Transportation.

- o Until FHWA certifies that a State's corridor is fully built out, NEVI Formula Program funding shall only be used along designated corridors to construct new EV charging infrastructure and upgrade existing EV charging infrastructure, and in both cases shall reflect the considerations in this guidance.
- o The Secretary will not consider the certification of a State's determination that the designated Alternative Fuel Corridors for electric vehicles within that State are fully built out during the first year of the NEVI Formula Program.
- o If the Secretary certifies a State's determination that its Alternative Fuel Corridors for electric vehicles are fully built out, that certification will extend through FY 26 and will apply to all NEVI Formula Program funding. This certification should not be construed as implying that additional State, local, or private sector investment is not necessary or encouraged.
- o A State's determination that the designated Alternative Fuel Corridors in that State are fully built out will be certified by the Secretary only when all designated corridors within that State (with prioritization given to Interstate Highway System corridors) meet the considerations outlined in this guidance.
- o The Secretary will not certify a State's designated Alternative Fuel Corridors for electric vehicles as being "fully built out" until the Secretary finds that the State's corridors meet the following criteria:
  - EV charging infrastructure is installed every 50 miles along the State's portions of the Interstate Highway System within 1 travel mile of the Interstate, unless a discretionary exception has been granted;
  - EV charging infrastructure includes at least four 150kW Direct Current (DC) Fast Chargers with Combined Charging System (CCS) ports capable of simultaneously DC charging four EVs;
  - EV charging infrastructure has minimum station power capability at or above 600kW and supports at least 150kW per port simultaneously across four ports for charging; and
  - Such additional considerations deemed necessary and appropriate by the Secretary of Transportation.

**"All funding distributed under the NEVI Formula Program shall be for projects directly related to the charging of a vehicle<sup>13</sup> and only to support EV charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company."**

- o Renewable energy generation and storage, such as on-site solar panels, would be considered directly related if it leads to lower overall construction and operating costs, and therefore would be eligible.
- o The development of a State Plan is an eligible expense as a direct cost for use of the NEVI Formula Program funds.

### **Use of Contracts**

- Funds made available under the NEVI Formula Program may be used to contract with a private entity for acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure and the private entity may pay the non-Federal share of the cost of a project funded. States can own or lease EV charging infrastructure in accordance with 2 CFR part

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<sup>13</sup> See Section IV for more information.

200. States should demonstrate a contracting strategy that makes maximal efficient use of Federal funding.

- o FHWA anticipates that in most instances States will elect to contract with private entities for the installation, operation, and maintenance of EV charging infrastructure.
- o Subject to contract terms, ownership of EV charging infrastructure does not need to revert to the State when a State elects to contract with a private entity to install, operate, or maintain EV charging infrastructure.
- o Additional information regarding minimum standards and requirements associated with the installation, operation, and maintenance of EV charging infrastructure will be provided.

#### **Transferability to Other Highway Formula Programs**

- States are prohibited from transferring NEVI Formula Program funding to other highway formula programs.<sup>14</sup>

## **III. STATE EV INFRASTRUCTURE DEPLOYMENT PLANS**

### **A. Plan Requirements and Deadlines**

#### **Plan Process**

- Each State is required<sup>15</sup> to develop a Plan in accordance with this guidance and submit their final Plan not later than August 1, 2022 to the Joint Office.<sup>16</sup>
- States should work directly with the Joint Office during Plan development and to remedy any issues with their Plans before submitting final Plans not later than August 1, 2022. Technical assistance provided by the Joint Office is intended to help ensure State Plans will comply with all program guidance and requirements.
- FHWA will work with the Joint Office to review Plans and FHWA will notify each State if their Plan is approved for implementation and obligation not later than September 30, 2022.
- No NEVI Formula Program funds shall be obligated by a State until FHWA has approved<sup>17</sup> that State's Plan; however, the development of the Plan, including reasonable and necessary staffing, is an eligible<sup>18</sup> reimbursable expense as a direct cost for use of the NEVI Formula Program funds. See Section VI for further guidance on technical assistance offered to assist States in Plan preparation.
- All approved Plans will be publicly accessible via USDOT's website.
- If a State fails to submit a Plan consistent with this guidance<sup>19</sup> by August 1, 2022, or if FHWA determines that a State has failed to take action to carry out its Plan, FHWA may withhold or withdraw, as applicable, funds made available under the Program for the fiscal year from the State

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<sup>14</sup> Paragraph (2) under the "Highway Infrastructure Program" heading in title VIII of division J of BIL.

<sup>15</sup> Paragraph (2) under the "Highway Infrastructure Program" heading in title VIII of division J of BIL states that "a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires".

<sup>16</sup> Plan should be submitted in both Word and pdf formats and should be compliant with Section 508 of the Rehabilitation Act.

<sup>17</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states that "a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires".

<sup>18</sup> Under the cost principles at 2 CFR part 200.

<sup>19</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states that "a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires".

and award such funds on a competitive basis<sup>20</sup> to local jurisdictions within the State for use on projects that meet the eligibility requirements outlined in this guidance. FHWA will notify and consult with a State at least 90 days before making such a determination and identify actions the State can take to remedy deficiencies.

- FHWA will provide notice to a State on the intent to withhold or withdraw funds not less than 60 days before withholding or withdrawing any funds, during which time the States shall have an opportunity to appeal directly to the Secretary. If funds cannot be fully awarded to local jurisdictions within the State, the funds will be distributed among other States (except States for which funds for the FY have been withheld or withdrawn) in the same manner as funds distributed for that FY except that the ratio shall be adjusted to exclude States for which funds for that FY have been withheld or withdrawn.
- This guidance will govern at least the first round of Plans. Supplemental guidance may be issued in the future.

## B. Plan Format

A recommended template for the Plans can be found at <https://www.DriveElectric.gov>.

Plans shall<sup>21</sup> include all the necessary information required for FHWA to determine that the Plan satisfies the NEVI Formula Program requirements found in Paragraph (2) under the "Highway Infrastructure Program" heading in title VIII of division J of the BIL. At a minimum, the Plan narrative shall provide the content described below. Plans should be developed through consideration of this guidance and specifically Section IV. All Plan exhibits and attachments should clearly identify what area of the Plan the document supports.

FHWA will make all FHWA-approved Plans publicly available.

### Introduction

This section of the Plan should introduce the Plan and the Plan development process to include a discussion of topics such as the Plan's study area, the dates of the analysis and adoption.

### State Agency Coordination

The Plan should describe how the State DOT has coordinated with the State's energy and/or environment department in the development and approval of the Plan. The Plan should address any steps the State's DOT has taken or plans to take to maximize opportunities to utilize U.S.-made EV supply equipment.

### Public Engagement

This section should discuss the involvement of particular stakeholder groups in the Plan's development to include the general public, governmental entities, federally recognized Tribes, labor organizations, private sector/industry representatives, representatives of the transportation and freight logistics industries, state public transportation agencies, and urban, rural, and underserved or disadvantaged communities. States should engage stakeholders and communities to ensure the

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<sup>20</sup> Further information regarding a competitive process would be provided in a Notice of Funding Opportunity.

<sup>21</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states "a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires".

deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution.

### **Plan Vision and Goals**

The Plan should describe how it supports a convenient, affordable, reliable, and equitable statewide and national EV network. The Plan should describe how the State intends to use the funds distributed under the NEVI Formula Program to carry out the Program in each fiscal year in which funds are made available. The Plans should be updated on an annual basis to reflect the State funding Plans for that fiscal year. Each State should provide 5-year goals for the duration of the program that include at least one outcome-oriented goal with a quantitative target. This section of the Plan should also identify the overall vision and goals specific to the geography, demographics, and network of the State as consistent with the NEVI Formula Program.

### **Contracting**

FHWA anticipates that in most instances States will contract with private entities for the installation, operation, and/or maintenance of EV charging infrastructure funded in whole or in part through the NEVI Formula Program. The Plan should detail whether the State intends to contract with third-party entities, and if so, how the State will ensure that those entities deliver EV charging infrastructure in a manner that leads to efficient and effective deployment against Plan goals. This section should also include a strategy for achieving efficient delivery and deployment and ongoing operation and maintenance. A contracting strategy that makes maximal efficient use of Federal funding will be an important consideration for approval of State plans. This section should also discuss how States will ensure that third-party entities contracted to install, operate, or maintain EV charging infrastructure will engage communities where EV charging infrastructure will be installed. Plans should also include a discussion of how the State will include opportunities for small businesses as provided at 23 U.S.C. 304. Additional information will be provided in support of this effort.

### **Existing and Future Conditions Analysis**

This section should identify the existing conditions within the study area at the time of the Plan creation. It should include the best available information regarding the State's geography and terrain as it pertains to its EV charger deployment vision and challenges, current and future temperature and precipitation patterns, industry/market conditions (to include an overview of the existing state of EV charging, current and projected EV ownership, the location of existing EV charging, and a discussion of the roles of DC Fast Charging stations), public transportation needs, freight and other supply chain needs, grid capacity necessary to support additional EV charging infrastructure, electric utilities that service the study area, land use patterns, travel patterns, EV charging infrastructure, information dissemination about the EV charging station availability. This section should also include a discussion on known risks and challenges for EV deployment. For further guidance on the technical assistance offered for analysis, see Section VI in this document.

### **EV Charging Infrastructure Deployment**

This section should discuss EV charging infrastructure installations and associated policies to meet the vision and goals of the Plan. The Plan does not need to include a list of exact EV charging infrastructure locations, but rather should include an overall strategy for installations along designated corridors that prioritizes build-out along the Interstate Highway System. Components of this section should include information about planned new EV charging infrastructure deployment location types, as well as existing

EV charging infrastructure locations planned for upgrade or expansion. Plans should also identify which utility's territory the planned installations or upgrades are located in.

The section should also include a map of the corridors that are planned for EV charging infrastructure installation or upgrade. The Joint Office can provide assistance to States to help develop these maps. Specifically, maps should include:

1. Approximate locations of planned EV charging infrastructure;
2. Approximate locations of existing EV charging infrastructure along those corridors, specifically noting existing EV charging infrastructure targeted for upgrade or improvement to meet the requirements of the NEVI programs;
3. EV charging infrastructure density along Alternative Fuel Corridors and the Interstate Highway System; and
4. Analysis on anticipated usage rates and peak demand, if available.

This section should also identify the source of non-federal funding for EV charging infrastructure deployments. It can include both immediate and longer-term actions but should identify actions to build-out Alternative Fuel Corridors, particularly those along the Interstate Highway System. It should also include actions that will be taken after the build-out of the State's Alternative Fuel Corridors has been accomplished, including ensuring that any portions of the Interstate Highway System not part of the designated Alternative Fuel Corridors for electric vehicles will be fully built-out. Funding topics covered should include funding amounts and sources (including the NEVI Formula Program at a minimum), use of public-private partnerships, and information about EV charging infrastructure ownership.

The overarching goal of the NEVI Formula Program is a seamless national EV charging network, so the Plan should also address how a State will coordinate and connect regionally with other States and adjoining networks.

### **Implementation**

Implementation considerations should include EV charging operations and maintenance programs, and EV charging infrastructure data collection and sharing. The Plan should identify installation, maintenance, and ownership responsibilities for the charging infrastructure and take into account how those roles will ensure the long-term sustainability of the station. Critical to this will be the State's strategy to contract with private entities in a way that makes efficient use of Federal funds to ensure maximal deployment at efficient unit cost. The Plan should also demonstrate how the implementation will promote strong labor, safety, training, and installation standards as well as opportunities for the participation of small businesses. The Plan should also address emergency and evacuation needs, snow removal and seasonal needs, and ways for EV charging to support those needs. The Plan should also describe strategies for resilience for operation during emergencies and extreme weather.

### **Civil Rights**

This section of the Plan should discuss how the State planning and implementation will ensure compliance with State and Federal civil rights laws, including Title VI of the Civil Rights Act and accompanying USDOT regulations, the American with Disabilities Act, and Section 504 of the Rehabilitation Act.

### **Equity Considerations**

The Plan should be developed through engagement with rural, underserved, and disadvantaged communities and stakeholders, including relevant suppliers and contractors, and describe how the Plan reflects that engagement (defined further in Section III-C).

### **Labor and Workforce Considerations**

This section of the Plan should consider the training, experience level, and diversity of the workforce that is installing and maintaining EV charging infrastructure. See Section III-D for additional information.

### **Cybersecurity**

This section of the Plan should discuss how the State will address cybersecurity. The Plan should identify considerations when software updates are made to ensure the station or vehicle is not compromised by malicious code, or that a vehicle infects other stations during future charges.

### **Program Evaluation**

This section of the Plan should describe the State's schedule and plan for evaluating performance in achieving its 5-year goals and vision. Evaluation of the effectiveness of this plan should include monitoring performance metrics, such as EV charging infrastructure usage, EV charging infrastructure reliability, customer satisfaction, equitable distribution and access to EV charging infrastructure within the State, greenhouse gas emissions, or other metrics that support creating a national network. This should include an assessment of a State's efficient use of Federal funding, measured by the amount of charging leveraged per Federal dollar.

### **Discretionary Exceptions**

As part of the development and approval of State Plans, and in very limited circumstances, a State may submit a request for discretionary exceptions from the requirement that charging infrastructure is installed every 50 miles along that State's portion of the Interstate Highway System within 1 travel mile of the Interstate, as provided in the Alternative Fuel Corridors request for nominations criteria. All approved exceptions will be supported by a reasoned justification from the State that demonstrates the exception will help support a convenient, affordable, reliable, and equitable national EV charging network. Exceptions must be clearly identified and justified in State plans. Additional coordination with FHWA and the Joint Office may be necessary before any exception is approved. Exceptions will be approved on a case-by-case basis and will be adjudicated prior to approval of a Plan.

Discretionary exceptions should only be requested to ensure consistency across the national network and will be granted sparingly. Examples that may support an exception include charging in disadvantaged communities, rural areas, or where grid capabilities are limited.

## **C. Equity Considerations**

Many of the burdens from the transportation and energy systems have been historically and disproportionately borne by disadvantaged communities. Unequal distribution of benefits from the transportation and energy systems has prevented disadvantaged communities and minority-owned and women-owned businesses from realizing equitable benefits from these systems, while other historic barriers to transportation have made facilities inaccessible to individuals with disabilities. For

these reasons, the NEVI Formula Program will emphasize equity considerations at its inception to avoid exacerbating existing disparities in the transportation system and to develop a convenient, reliable, affordable, and equitable charging experience for all users.

NEVI Formula Program investments in EV charging infrastructure have the potential to:

- Improve clean transportation access through the location of chargers;
- Decrease the transportation energy cost burden by enabling reliable access to affordable charging;
- Reduce environmental exposures to transportation emissions;
- Increase parity in clean energy technology access and adoption;
- Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers;
- Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities;
- Increase energy resilience;
- Provide charging infrastructure for transit and shared-ride vehicles;
- Increase equitable access to the electric grid; and
- Minimize gentrification-induced displacement result from new EV charging infrastructure.

Plans should be developed through engagement with rural, underserved, and disadvantaged communities to ensure that diverse views are heard and considered throughout the planning process, and to ensure that the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution of benefits and services. State Plans should reflect this engagement.

State Plans should explain how the State will deliver projects under the NEVI Formula Program that, consistent with E.O. 14008 and the Interim Justice40 Guidance<sup>22</sup> issued by the White House and USDOT, target at least 40 percent of the benefits towards disadvantaged communities. Consistent with the Justice40 Interim Guidance, USDOT and USDOE have developed an EV Charging Justice40 Mapping Tool<sup>23</sup> that States are encouraged to utilize during the development of their Plans.

## **D. Labor and Equitable Workforce Considerations**

Installing, operating, and maintaining the NEVI Formula Program's EV charging infrastructure will create new opportunities for workers in the electrical and other construction trades, while also creating work for the skilled incumbent workforce around the country. To ensure safety and high-quality delivery, each State Plan should consider the training and experience level of the workforce that is installing and maintaining EV charging infrastructure. This includes ensuring the workforce is trained in high quality training programs like the Electric Vehicle Infrastructure Training Program (EVITP).

To help meet the workforce needs of the NEVI Formula Program, each State Plan should also consider steps that will grow and diversify their local workforce. This includes utilizing geographic, economic,

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<sup>22</sup> Section 219 of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad and OMB, "Interim Implementation Guidance for the Justice40 Initiative," M-21-28 (July 20, 2021) available at <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

<sup>23</sup> <https://anl.maps.arcgis.com/apps/webappviewer/index.html?id=33f3e1fc30bf476099923224a1c1b3ee>

or other hiring preferences or innovative contracting approaches authorized by law to maximize job creation and economic benefits for local communities. This also includes taking proactive steps to encourage broader participation among women, Black, Latino, Asian American Pacific, Indigenous, and other underrepresented groups in the development of those workforces. States should also consider how they can expand registered apprenticeship, including through the use of apprentices on installation projects, and invest in entry-level training programs, like quality pre-apprenticeship programs. Consistent with Justice40<sup>24</sup>, States should also consider how disadvantaged communities will benefit from this added job growth.

Strong labor, training, and installation standards will help produce a nationwide network of 500,000 EV chargers by 2030 that provides a convenient, reliable, affordable, and equitable charging experience for all users. See section VI-C for additional information on labor and workforce requirements that may be included in the minimum standards and requirements to be established by the Secretary of Transportation, in coordination with the Secretary of Energy and in consultation with relevant stakeholders.<sup>25</sup>

## IV. PROJECT ELIGIBILITY PROVISIONS

### A. Project Eligibility

NEVI Formula Program funds are restricted to projects that are directly related to EV charging infrastructure that is open to the public<sup>26</sup> or to authorized commercial motor vehicle operators from more than one company.<sup>27</sup>

In general, NEVI Formula Program funds may be used for:

**“(1) The acquisition and installation of EV charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability”**

- This includes upgrades to existing public charging stations to meet NEVI Formula Program considerations and requirements or resulting expansions to station charging capacity needed to meet overall network demand.
- This also includes on-site distributed energy resources (e.g. solar arrays, energy storage). See additional considerations in Section IV-B.

**“(2) Operating assistance for costs allocable to operating and maintaining EV charging infrastructure acquired or installed under this program, for a period not to exceed five years”**

- It is anticipated that such operating assistance may be needed at some locations with lower utilization but that are key to having a contiguous, national network and to address equity

<sup>24</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

<sup>25</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

<sup>26</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible. Please note that while hydrogen, propane, and natural gas fueling infrastructure are not eligible under the NEVI Formula Program, these additional fuels are eligible under the Corridor Charging Grants and the Community Charging Grants (23 U.S.C. § 151).

<sup>27</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

issues in both rural and urban areas where current levels of EV ownership make such lower utilization more likely. Other locations will not need this assistance for a commercial entity to run and operate. States should focus NEVI Formula Program funding for operating assistance to only those locations that most require operating assistance that will ensure a contiguous, national network or to address equity issues in rural and urban areas where current levels of EV ownership make lower utilization more likely. Funding decisions should be reviewed as the network matures.

**“(3) Development phase activities relating to the acquisition of stations and equipment as well as installation of EV charging infrastructure”**

- Development phase activities include planning (including the development of the Plan), feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- This includes community outreach and participation, including with rural, Tribal, and disadvantaged communities, to facilitate equitable and accessible deployment of EV charging infrastructure.

**“(4) Traffic control devices and on-premise signs to provide information about EV charging infrastructure acquired, installed, or operated”**

- This includes accessible signage that directs drivers to an EV charging station location and signage that provides information at the EV charging station location.

**“(5) Data sharing about EV charging infrastructure to ensure the long-term success of investments”**

- This includes, to the extent practicable, costs related to the specific data sharing requirements of this program as well as costs of data sharing on all chargers and charging activities on the EV network.

**“(6) The acquisition or installation of traffic control devices located in the right-of-way to provide directional information to EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program.”**

- Traffic control devices, consistent with the Manual on Uniform Traffic Control Devices (MUTCD), include signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel.<sup>28</sup>

**“(7) Mapping and analysis activities to evaluate in an area in the United States designated by the eligible entity:”**

- “The locations of current and future EV owners.”
  - This includes identifying disadvantaged communities with the greatest disparity of EV investments and estimating the benefits to disadvantaged communities in alignment with Justice40.
- To forecast commuting and travel patterns of EVs and the quantity of electricity required to serve EV charging stations.”

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<sup>28</sup> For traffic control device, standards, guidance and supporting information, please see the Manual on Uniform Traffic Control Devices for Streets and Highways.

- o This includes electric service readiness and future public transportation electrification needs.
- “To estimate the concentrations of EV charging sites and stations to meet the needs of current and future EV drivers.”
  - o This includes the appropriate power level and quantity of charging stations.
- “To estimate future needs for EV charging stations to support the adoption and use of EVs in shared mobility solutions, such as micro-transit, transportation network companies, and medium- and heavy-duty EVs.”
- “To develop an analytical model to allow a city, county, or other political subdivision of a State or a local agency to compare and evaluate different adoption and use scenarios for EVs and EV charging stations.”
  - o This includes Federal land management agencies, public transportation agencies, and economic development authorities.
  - o State DOTs may wish to review Section VI on Technical Assistance in this document to better understand whether they should undertake these mapping and analysis functions themselves or obtain assistance from the Joint Office.

## **B. Considerations for the Strategic Deployment of EV Charging Infrastructure by States**

This program guidance is specifically intended to assist States in developing their Plans for the strategic deployment of EV charging infrastructure with consideration given to nine specific areas as required by the BIL. Guidance for each of these specific considerations is provided below and organized under each applicable excerpt from the BIL bolded for reference.

States should develop their Plans under the NEVI Formula Program consistent with these considerations and with the overarching goal for construction, installation, or upgrade of EV charging infrastructure to be completed not later than six months from procurement. Any State seeking a discretionary exception should document those exceptions in the Plan (see Section III-B and “discretionary exception” section of the State Plan template).

### **“(1) the distance between publicly available EV charging infrastructure”**

- EV charging infrastructure should be conveniently and safely located as close to Interstate Highway System and highway corridors as possible and in general no greater than 1 mile from Interstate exits or highway intersections along designated corridors.
  - o The 1 mile should be measured as the shortest driving distance from the Interstate Highway System exit or highway intersection to the proposed station at the time of the proposal.
  - o Stations on public lands in close proximity to the corridor (including Federal lands) may be prime siting locations and should be considered in a Plan.
  - o Exceptions from the no greater than 1 mile from the Interstate Highway System or highway requirement may be made where there is no electrical service or business activity within 1 mile of the Interstate exit or highway. States should work with the Joint Office during the

development of their Plan to identify and attempt to resolve any exception requests. That exception process is explained below in Section III-B.

- o NOTE: The 1-mile distance in this guidance diverges from past designations of Alternative Fuel Corridors, and such corridors may need additional stations or upgrades to meet this consideration. Currently designated Alternative Fuel Corridors for electric vehicles will not need to be redesignated if they do not comply with this provision but will not be certified as "fully built out" if they do not meet the criteria established above in Section II.
- New EV charging infrastructure locations should be spaced a maximum distance of 50 miles apart along designated corridors (including planned stations and existing stations, with both conforming to NEVI Formula Program minimum standards and requirements), unless a discretionary exception has been granted.
  - o In initial planning and during the development of their Plans, States should also consider existing stations that substantially meet the minimum standards and requirements to be published in their spacing plans and work to upgrade and expand the capacity of these stations.

***"(2) connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage"***

- EV charging infrastructure should provide power for EV charging regardless of time of day or time of year in a manner that supports a robust and reliable network. Specifically, stations should be designed to:
  - o Achieve a high-level of reliability (>97 percent at the individual station level);
  - o Mitigate adverse impacts to the electric grid;
  - o Maintain cost of charging at a price that is reasonable (for example, comparable to competitive market);
  - o Minimize demand charges or other fixed utility fees; and
  - o Provide high speed charging for travelers on the Interstate Highway System and Alternative Fuel Corridors.
- EV charging infrastructure design should include consideration of the following:
  - o Equipment that connects EV charging stations to the electric grid must be directly related to the charging of a vehicle.
  - o Accessibility.
  - o Fire protection and other traffic safety features.
  - o The inclusion of distributed renewable energy resources (e.g. solar arrays, energy storage) and electric distribution and switching equipment where practicable.
  - o The use of station-level load management or smart charge management in a transparent manner that can encourage grid stability and reduce costs to EV charging station users.
  - o Plan for futureproofing that allows expansion for growing demand and higher power levels.
  - o The Joint Office will work with States to identify best practices on EV charging infrastructure design.
- States should work with applicable federal, State and local permitting agencies to identify and streamline permitting processes for EV charging infrastructure installation, including

energy storage and renewable energy generation, to support operations within six months of procurement.

- o The Joint Office will work with States to identify best practices to expedite this process.
- States should also work with local utilities, transmission and distribution operators, and public utility commissions to identify and streamline the planning and approval of grid connections for EV charging infrastructure, including energy storage and renewable energy generation, to support operations within six months of procurement.
- o The Joint Office will work with States to identify best practices to expedite this process.

**“(3) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to EV charging infrastructure acquired or funded under this paragraph in this Act”**

- States should consider locations at or immediately adjacent to land uses with publicly accessible restrooms, appropriate lighting, and sheltered seating areas such as travel centers, food retailers, convenience stores, visitor centers on Federal lands, small businesses with an Americans with Disabilities Act (ADA) accessible pathway between the EV charging infrastructure and the front door of the identified establishment, and other comparable facilities.

**“(4) the need for publicly available EV charging infrastructure in rural corridors and underserved or disadvantaged communities”**

- The distribution of EV charging infrastructure across a State should specifically target locations and benefits to rural areas, underserved and overburdened communities, and disadvantaged communities, including Tribal lands, through analysis of existing service to these areas in a State.
- o This includes:
  - Prioritizing access of EV charging infrastructure to serve rural, underserved and disadvantaged communities.
  - Identifying gaps in existing service and charging station availability to rural, underserved, and disadvantaged communities in the State.
  - Planning to distribute NEVI Formula Program funds to benefit rural, underserved, and disadvantaged communities in the State.
  - Targeting at least 40 percent of the benefits towards disadvantaged communities in accordance with Justice40.
  - Engaging stakeholders from rural, tribal, underserved, and disadvantaged communities.
- For further guidance, see Section III-C in this document for a discussion of Equity considerations.

**“(5) the long-term operation and maintenance of publicly available EV charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure”**

- EV charging infrastructure should be maintained in good working order and:
  - o In compliance with all EV charging infrastructure manufacturer requirements;
  - o In compliance with all requirements in the forthcoming minimum standards issued by FHWA; and

- o At the same location for a period of no less than 5 years from the installation date with the consideration of service beyond the NEVI Formula Program funds.
- EV charging infrastructure should be operated and maintained with a focus on public road safety, including, the provision of adequate lighting, fire protection, and other traffic safety features. Potential conflicts with non-motorized and public transportation travel in multi-modal corridors should be addressed through safe design and countermeasures.
- EV charging infrastructure should use charging network providers with demonstrated experience or capability for at least the entire 5-year in-service requirement with plans to keep the stations in service beyond the availability of NEVI Formula Program funds.
- Owners of NEVI Formula Program funded EV charging infrastructure should provide reasonable plans and guarantees for maintaining the chargers, related equipment, and overall charging locations in good working order.
- To avoid stranded assets, EV charging infrastructure should be capable of using open protocols and standards for network connectivity to meet interoperability requirements to allow for easier transfer of operations to a new network provider if needed in the future.

**“(6) existing private, national, State, local, Tribal, and territorial government EV infrastructure programs and incentives”**

- Decisions about siting, construction, installation, operation, and maintenance should involve consultation with relevant stakeholders to coordinate existing EV charging infrastructure programs and incentives. The involvement of relevant private entities, Federal, State, local, Tribal and territorial governments should allow for the identification of opportunities for States to leverage the NEVI Formula Program funds in concert with other funding/deployment programs including those managed by other agencies.
  - o EV charging programs and grid management is often addressed by both State departments of transportation and/or State energy offices, so Plans under this program should be carefully coordinated across both groups.
- States should consult with entities including:
  - o Metropolitan Planning Organizations and Regional Transportation Planning Organizations;
  - o Counties and cities, including coordination with existing EV charging programs;
  - o State departments of energy, including Clean Cities Coalitions <sup>29</sup>, as applicable;
  - o State environmental protection agencies;
  - o State economic development agencies;
  - o State public utility commissions;
  - o State weights and measurement agencies;
  - o State and Federal land management agencies;
  - o State manufacturing extension partnerships;
  - o State department of motor vehicles;
  - o State department of commercial motor vehicles;
  - o Responsible emergency/disaster preparedness functions in the State;
  - o Tribal governments;

<sup>29</sup> <https://cleancities.energy.gov/coalitions/locations>

- o Electric utilities and transmission and distribution owners and regulators;
- o Electric vehicle service providers;
- o Public transportation agencies;
- o Port and freight authorities;
- o Community-based organizations, environmental justice and environmental protection organizations, small business associations, Chambers of Commerce; labor organizations, and private entities; and
- o Other appropriate parties.

- For further guidance, see Section III in this document for a discussion of Plans.

**“(7) fostering enhanced, coordinated, public-private or private investment in EV charging infrastructure”**

- The purpose of public funding is not to discourage private investment, but instead to catalyze additional private investment and supplement and fill gaps to provide a convenient, reliable, affordable, and equitable national EV charging network.
- States are encouraged to develop programs with cost-share requirements or rebates to leverage private investment in EV charging and maximize the impact of NEVI Formula Program funding. Cost-share and rebate programs can be powerful tools for optimizing infrastructure deployment by providing States the opportunity to partner with existing EV infrastructure providers without bearing additional risk of upfront funding prior to deployment and diminishing the risk of half-built or stranded assets.
- The involvement of relevant private sector and industry representatives throughout the development and deployment of the Plan should allow for the identification of EV charging market opportunities and challenges, along with potential solutions to address them. Coordinated planning across private and public investments is necessary to provide a seamless and convenient national network.
- States should consult with entities including:
  - o Private sector EV charging infrastructure owners and network operators;
  - o Vehicle manufacturers;
  - o Unions and other labor organizations;
  - o Utilities;
  - o Real estate industry groups;
  - o Minority- and women-based organizations;
  - o Freight industry groups;
  - o Relevant environmental justice, equity, environmental protection, and other community advocacy organizations;
  - o EV industry organizations and EV advocacy groups, as applicable;
  - o Gas station owners and operators;
  - o Taxicab commissions and ridesharing companies;
  - o Emergency management and public safety agencies; and
  - o Other appropriate parties.
- For further guidance, see Section III in this document for a discussion of Plans.

**“(8) meeting current and anticipated market demands for EV charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles”**

- All EV charger infrastructure installed as part of the NEVI Formula Program along the designated corridors should be Direct-Current (DC) Fast Chargers. Stations should be designed to provide at least four Combined Charging System (CCS) ports capable of simultaneously charging four EVs. Station power capability should be no less than 600 kW (supporting at least 150 kW per port simultaneously across four ports) for charging.
- Maximum charge power per DC port should not be below 150 kW and should consider design and construction practices that allow for 350kW or greater charging rates through future upgrades.
- Power sharing across ports should be permitted so long as it does not reduce the maximum output per port below 150 kW. For stations with ports above 150kW, States should support station design that facilitate power sharing across ports. For more information on forthcoming minimum standards and requirements, see Section C below.
- Station designs should also consider the potential for future expansions needed to support the electrification and charging demands of medium- and heavy-duty trucks, including station size and power levels.
- Stations should be designed to allow for future upgrades and updates to power levels and number of chargers, to the extent possible and within reason. The Joint Office will publish best practices for EV charging infrastructure construction that will seek to allow flexibility in future upgrades.
- After a State has determined, and the Secretary of Transportation has certified, that the State’s designated Alternative Fuel Corridors for electric vehicles are fully built out, that State will have additional flexibility to determine the type and location of any additional EV charging infrastructure installed, operated, and maintained under NEVI Formula Program.

**“(9) any other factors, as determined by the Secretary”**

- Consumer Protection: States should consider how they will safeguard purchasers of goods and services against defective products, excessive costs, and deceptive or fraudulent business practices.
- Cybersecurity: States should consider cybersecurity needs of the electrical grid, station, vehicles, and customers using EV charging infrastructure.
- Domestic Manufacturing: States should consider how to incorporate and utilize domestically manufactured EV charging infrastructure consistent with Buy America requirements.
- Emergency Evacuation Plans: States should consider emergency and evacuation needs, including how they will support overall emergency evacuation plans along roadways. Plans should also account for growing number of EVs using designated evacuation routes.
- Environmental siting/permitting considerations: States should consider the appropriate level

of review under the National Environmental Policy Act (NEPA) and other environmental laws, regulations, and Executive Orders including, but not limited to, the Clean Water Act, National Historic Preservation Act, Section 4(f), and Executive Orders 12898, 11988, and 13690.

- o Developing the Plan will qualify for an environmental categorical exclusion (CE) under 23 CFR 771.117(c)(1) as an activity that does not lead directly to construction. The installation of EV charging infrastructure is a separate activity(s) that will require its own environmental approval.
- o As installation of EV charging infrastructure is generally the type of action that would not be expected to result in significant environmental impacts, several CEs may be applicable including those found at 23 CFR 771.117(c)(2, 19, 22, and 23) and (d), depending on the scope of the action and the CE's conditions.
- o Before a CE determination can be applied to an action, the action must be analyzed to determine whether there are unusual circumstances present that would require further analysis to determine whether the CE classification is appropriate (see 23 CFR 771.117(a-b)).
- o States should also consider how they will complete permitting and environmental review processes to support operations within six months of obligating funds. For example, additional efficiencies can be achieved when multiple EV charging infrastructure projects are planned within a particular geographic area or under similar circumstance. In such cases, programmatic analyses can be used to analyze the common effects associated with a suite of projects in order to avoid having to perform analysis of those effects in each unique case and to streamline documentation.

- Resilience: States should consider the potential impacts of climate change and extreme weather events, including through the use of currently available USDOT tools and resources to assess the vulnerability and risk of planned and existing EV charging stations and the development, deployment, and monitoring of resilience solutions. States should also consider the location of existing and proposed EV charging infrastructure with respect to the Federal Flood Risk Management Standard, as well as how climate change may affect the floodplain, and construct EV charging infrastructure consistent with the Federal Flood Risk Management Standard, to the extent consistent with law. States should consider opportunities to add redundancy and improve the overall resilience of the national network of EV charging stations.
- Terrain: States should consider geographic terrain and snow removal and other seasonal needs.
- Other factors may be addressed in future guidance.

## **C. Minimum Standards and Requirements for Projects Implemented under the NEVI Formula Program**

All applicable requirements under chapter 1 of title 23, United States Code, and 2 CFR part 200 apply to the administration of these funds. Also, before funds are obligated, projects must be included on the relevant Statewide Transportation Improvement Program/Transportation Improvement Program and long-range plans, and all State and Federal environmental requirements, such as compliance with the National Environmental Policy Act, must be complete. Additionally, minimum standards and requirements will be provided for the implementation of projects under the NEVI Formula Program as required by the BIL. Topics of these minimum standards and requirements could include:

- Installation, operation, or maintenance of EV Charging Infrastructure
  - EnergyStar
  - Americans with Disabilities Act
  - EV Infrastructure workforce training and requirements
  - Eligible expenses and direct costs
  - Connector types, including eligibility of adapters
  - Interoperability between EVs, EV Supply Equipment, EV Service Providers and the grid
  - Minimum reliability and time-of-day accessibility requirements
  - Station design
- Traffic Control & Signage
  - Manual on Uniform Traffic Control Devices for Streets and Highways
  - Accessibility
- Data Collection & Sharing
  - Real-time data sharing protocols
  - Publicly available location and station information sharing protocols
  - Data to support reliability and usage analysis
- Network Connectivity and Payment
  - Payment facilitation, display, source, and pricing information
  - Session starting standardization
  - Efficient EVSE management
  - Use and reliability monitoring
  - Remote diagnosis and problem resolution
  - Smart charge management
  - Open-source network connectivity
  - Cybersecurity
- Accessibility of Information on Station Availability, Pricing, and Locations
  - Requirements for making station locations visible through industry leading mapping services
  - Real-time status (usage, offline, or needs service) broadcasting
  - Stranded asset mitigation
  - Detailed pricing transparency and display requirements

## V. PROGRAM ADMINISTRATION

### A. Tracking NEVI Formula Program Funds

The FHWA's Chief Financial Officer has established program codes in the Fiscal Management Information System (FMIS) to track State investments of NEVI Formula Program funds. States shall accurately reflect these NEVI Formula Program obligations as they record project data in the FMIS. In addition, projects funded under the NEVI Formula Program should utilize FMIS improvement type 63.

## B. Data Sharing

FHWA will be providing minimum standards and requirements for data collection and sharing as required by the BIL.

Data sharing about EV charging infrastructure will be necessary to ensure the long-term success of the national EV charging network. States should consider requiring data describing charging usage, cost, and reliability to be shared with USDOT and USDOE to provide the feedback needed to adapt and improve the program.

To increase awareness of charging infrastructure and improve customer and station host satisfaction, States should consider requiring charging network providers to share data describing charging station location, type of equipment available, price, status, and other information via Application Programming Interface with public-facing directories, including the Alternative Fuel Data Center's Station Locator.

## C. Program Evaluation

States should implement a robust, data-driven program evaluation plan to ensure accountability and program success. The evaluation should, at a minimum, assess performance in achieving the State's 5-year goals, including interim goals. States should collect data regarding location of EV charging infrastructure and the utilization rates for charging infrastructure funded under this Program and provide such data to the Joint Office.

Other evaluation indicators a State might consider:

- Program benefits, such as job creation, EV adoption, improved access to EV charging infrastructure, and benefits to underserved communities.
- Program success in creating charging infrastructure that is convenient, affordable, reliable, and equitable.
- Program progress, in terms of the quantity of funds distributed, number of funding recipients, the time required to construct new charging stations, and the number of charging stations constructed.

# VI. TECHNICAL ASSISTANCE/TOOLS

The Joint Office will play an important role in the deployment of EV charging infrastructure. The Joint Office will work in concert with FHWA Division Offices to support the State plan development and implementation of the NEVI Formula Program. States should identify a NEVI Formula Program point of contact within their department of transportation as soon as possible, and once identified that individual should contact the Joint Office at <https://www.DriveElectric.gov>.

Recognizing that States and local governments may be at different stages in their EV charging infrastructure development, the Joint Office will provide technical assistance to States as they achieve a convenient, reliable, and equitable national network of EV chargers, regardless of where they are in the electric charging deployment process. This assistance will include:

- Development of State EV Infrastructure Deployment Plans;
- National interconnectivity;
- Hardware and network procurement;
- Deployment in rural corridors and underserved or disadvantaged communities; and
- Data collection and program evaluation.

Technical assistance will first leverage existing tools, datasets, best practices, and programs built by partners, USDOE, USDOT, and national laboratories. Examples include:

## **A. Station Location Data**

Resources to help States understand where EV charging infrastructure is currently installed and where existing corridors are designated include:

- Alternative Fuel Data Center Station Locations:  
<https://afdc.energy.gov/stations/>
- Alternative Fuel Corridor Eligible Station Data:  
<https://afdc.energy.gov/corridors>
- FHWA Alternative Fuel Corridor Locations:  
[https://hepgis.fhwa.dot.gov/fhwagis/ViewMap.aspx?map=Highway+Information%7CElectric+Vehicle+\(EV-Round+1,2,3,4+and+5\)](https://hepgis.fhwa.dot.gov/fhwagis/ViewMap.aspx?map=Highway+Information%7CElectric+Vehicle+(EV-Round+1,2,3,4+and+5))

## **B. Network and Environmental Data**

Resources to aid States in understanding external factors that will support their electric charging infrastructure deployment include:

- Alternative Fuel Corridors Program Best Practices and Information:  
<http://altfueltoolkit.org/>
- Alternative Fuels Data Center, State and Federal Laws and Incentives:  
<https://afdc.energy.gov/laws>
- Clean Cities Coalition Network:  
<https://cleancities.energy.gov/>
- National Highway Traffic Safety Administration (NHTSA) Fatality Analysis Reporting System (FARS):  
<https://www.nhtsa.gov/research-data/fatality-analysis-reporting-system-fars>
- National Institute of Standards and Technology (NIST) Cybersecurity Framework:  
<https://www.nist.gov/cyberframework>
- Public Road Inventory Information, Highway Performance Monitoring System (HPMS) data:  
<https://www.fhwa.dot.gov/policyinformation/hpms/nahpms.cfm>

## **C. Modeling Tools**

Resources to provide States modeling expertise and tools to plan charging locations, design charging stations, and perform financial analysis include:

- Idaho National Laboratory's Caldera Simulation Platform:  
<https://cet.inl.gov/caldera>
- National Renewable Energy Laboratory Electric Vehicle Infrastructure Modeling Suite:  
<https://www.nrel.gov/transportation/evi-x.html>

## D. Equity and Climate Impact Tools

Resources to help States understand equity and climate considerations. Examples include:

- EV Charging Justice40 Mapping Tool:  
<https://www.anl.gov/es/electric-vehicle-charging-equity-considerations>
- FHWA Equity Analysis Screening Tool:  
<https://hepgis.fhwa.dot.gov/fhwagis/buffertool/>
- USDOT Rural EV Toolkit:  
<https://transportation.gov/rural/ev/toolkit>
- USDOE Low-Income Energy Affordability Data Tool:  
<https://www.energy.gov/eere/slsc/maps/lead-tool>
- USDOT Limited English Proficiency Guidance:  
<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>
- Argonne National Laboratory Energy Zones Mapping Tool:  
<https://ezmt.anl.gov/>
- Argonne National Laboratory Transportation Equity Analysis:  
<https://www.anl.gov/es/transportation-energy-equity-analysis-and-resources>

## Additional Information

If you have questions about this program guidance, please contact Dawn Horan ([Dawn.M.Horan@dot.gov](mailto:Dawn.M.Horan@dot.gov)) or Gary Jensen ([Gary.Jensen@dot.gov](mailto:Gary.Jensen@dot.gov)).

For additional guidance on other Bipartisan Infrastructure Law and Federal-aid Highway Programs, please see FHWA's Bipartisan Infrastructure Law website at:

<https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>

# State Plan for Electric Vehicle Infrastructure Deployment – TEMPLATE –

***Note that the following abbreviations are used in this document: EV- Electric Vehicle; EVSE – Electric Vehicle Supply Equipment; AFC –Alternative Fuel Corridors; NEVI Formula Program – National Electric Vehicle Infrastructure Formula Program.***

***Note that in order to receive NEVI Formula Program funds each State is required to develop an FHWA-Approved EV Infrastructure Deployment plan that describes how the State intends to use the funds in accordance with the NEVI Formula Program Guidance. Refer to Section III.B of the Program Guidance for additional details on each section below.***

## Introduction

<Insert an overview of the Plan and Plan development process.>

## Dates of State Plan for Electric Vehicle Infrastructure Deployment Development and Adoption

<Insert anticipated dates of Plan milestones and EV Infrastructure deployment as well as a discussion of Plan adoption authority and process.>

## State Agency Coordination

<Insert discussion of how the State has coordinated with other State agencies in developing and approving the Plan consistent with the NEVI Formula Program Guidance, and steps taken to maximize opportunities to utilize U.S.-made EV supply equipment.>

## Public Engagement

<Insert overview of public involvement in the Plan’s development to include general public, governmental entities, federally recognized Tribes, labor organizations, private sector/industry representatives of the transportation and freight logistics industries, state public transportation agencies, and urban, rural, and underserved or disadvantaged communities.>

## Stakeholders Involved in Plan Development

<General discussion of outreach activities and stakeholders involved in plan development. Subsections below should include a discussion of outreach activities targeting input from each group, as applicable. Subsections should also list organizations that participated in the development of this plan from this group, as applicable. **Bolden** any coordination efforts/participating groups that address the goal of the Justice40 Initiative identified in Executive Order 14008.>

- Metropolitan Planning Organizations and Regional Transportation Planning Organizations;

- Counties and cities, including coordination with existing EV charging programs;
- State departments of energy, including Clean Cities Coalitions<sup>1</sup>, as applicable;
- State environmental protection agencies;
- State economic development agencies;
- State public utility commissions;
- State weights and measurement agencies;
- State and Federal land management agencies;
- State public transportation agencies;
- State manufacturing extension partnerships;
- Responsible emergency/disaster preparedness functions in the State;
- Tribal governments;
- Electric utilities and transmission and distribution owners and regulators;
- Port and freight authorities;
- Community-based organizations, small business associations, Chambers of Commerce; labor organizations, and private entities; and
- Private sector EV charging station owners and network operators;
- Investors in EV charging infrastructure;
- Vehicle manufacturers;
- Unions and other labor organizations;
- Utilities;
- Real estate industry groups;
- Minority- and women-based organizations;
- Freight industry groups;
- Environmental justice, equity, and other community advocacy organizations with an interest in EV charging;
- EV industry organizations and EV advocacy groups, as applicable;
- Gas station owners and operators;
- Ride-share drivers/taxi drivers;
- Emergency management and public safety agencies; and
- Other appropriate parties.

## Public Outreach

<Insert discussion of process and results of outreach to general public.>

## Plan Vision and Goals

<Insert the State's vision to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection and support the development of convenient, accessible, reliable, and equitable EV charging. Provide an enumerated list of goals that supports the establishment of an interconnected network that will facilitate: 1) data collection; 2) equitable access; and 3) network reliability. Plan vision and goals should provide an outlook for the 5-year program and beyond with at least one outcome-oriented goal with a quantified target.>

## Contracting

<Insert discussion of the State's plans for contracting with private entities, including plans for the participation of small businesses. Discuss how the State will ensure that EV charging infrastructure is

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<sup>1</sup> <https://cleancities.energy.gov/>

delivered in a manner that leads to efficient and effective deployment against broader Plan goals. Also discuss the State's contracting strategy for achieving efficient delivery of ongoing operations and maintenance activities during and after the period of the award. Finally, this section should identify how the State will ensure that contractors will engage communities where EV charging infrastructure will be installed.>

## Existing and Future Conditions Analysis

<Insert overview here. This section should introduce the State's geography, terrain, and climate (to include current and future temperature and precipitation patterns). This section should also include a discussion of industry/market conditions (to include EV ownership/availability, grid capacity, electric utilities that service the study area) and land use patterns.>

## State Geography, Terrain, Climate and Land Use Patterns

<Insert general discussion here. This section should include an overview and analysis of the State's geography, terrain, and climate. It should include information on current and future environmental conditions, including temperature and precipitation patterns, and other extreme weather events and climate impacts.>

## State Travel Patterns, Public Transportation Needs, Freight and Other Supply Chain Needs

<Insert general discussion here.>

## AFC - Corridor Networks

<Insert general discussion here. Include AFC Round 6 Designations, if applicable. In the subsections below, include discussion to address each subsection heading.>

<INSERT MAP OF STATE WITH AFC >

- *Corridor Pending Corridors*
- *Corridor Ready Corridors*

## Existing Locations of Charging Infrastructure Along AFCs

<Include discussion here.>

Include an "as of" date that the table is populated.

State EV Charging Location Unique ID*	Charger Level (DCFC, L2)	Route	Location	Number of EV Connectors	EV Network (if known)

\*Defined by the State – this should match the unique ID in the State's applicable GIS databases.

Note that the table can be included in the Appendix, if too lengthy to include here.

<INSERT MAP OF STATE WITH AFC & EXISTING PUBLIC DCFC/LEVEL 2 LOCATIONS>

## Known Risks and Challenges

<Insert discussion here.>

## EV Charging Infrastructure Deployment

<Insert overview here. This section should discuss the overarching strategy for EV charging infrastructure installations and associated policies to meet the vision and goals of the Plan.>

## Funding Sources

<Include a discussion on the sources of funding for the non-federal share to match the NEVI Formula Program.>

## 2022 Infrastructure Deployments/Upgrades

<Insert discussion here. This section should identify the general/approximate location of any proposed new installations as well as identify existing locations of chargers that will be upgraded to meet minimum NEVI Formula Program standards. In the subsections below, include information about how deployments will address each subsection heading. This section should also identify within which utility territories the planned installations or upgrades are located.>

State EV Charging Location Unique ID*	Route (note AFC)	Location	Anticipated EV Network (if known)	Utility Territories	Anticipated Station Ownership** (if known)	FY22 Funding Amount	FY23-FY26 Funding Amount (Optional)

\*Defined by the State – this should match the unique ID in the State's applicable GIS databases. It should be clear that the Unique IDs correspond to general locations for proposed installations rather than pinpoint geocoordinates.

\*\*Federal Government Owned (FG), Jointly Owned (J), Local/Municipal Government Owned (LG), Privately Owned (P), State/Provincial Government Owned (SG), or Utility Owned (T)

< INSERT MAP(S) OF FY22'S EVSE DEPLOYMENTS/UPGRADES SHOWING:

- (1) Approximate locations of planned EV charging infrastructure;
- (2) Approximate locations of existing EV charging infrastructure along those corridors, specifically noting existing EV charging infrastructure targeted for upgrade or improvement to meet the requirements of the NEVI programs;
- (3) EV charging infrastructure density (e.g., stations/mile) along Alternative Fuel Corridors and the Interstate Highway System; and
- (4) Analysis on anticipated usage rates and peak demand, if available; >

*Upgrades of Corridor Pending Designations to Corridor Ready Designations*

<Insert discussion here.>

<INSERT MAP(S) OF ELECTRIC VEHICLE AFC DESIGNATIONS AND PROPOSALS IN STATE>

*Increases of Capacity/Redundancy along Existing AFC*

<Insert discussion here.>

*Electric Vehicle Freight Considerations*

<Insert discussion here.>

*Public Transportation Considerations*

<Insert discussion here.>

## **FY23-26 Infrastructure Deployments**

<Insert discussion here.>

## **State, Regional, and Local Policy**

<Insert discussion here on policy considerations/coordination. Topics discussed here may include zoning, permitting, or education.>

## **Implementation**

<Insert discussion here. This section should include a discussion of the overall strategy to ensure ongoing operations and maintenance of EV charging infrastructure and data collection and sharing requirements. In the subsections below, identify the state's applicable plans/programs to address each implementation topic.>

### **Strategies for EVSE Operations & Maintenance**

<Insert discussion here.>

### **Strategies for Identifying Electric Vehicle Charger Service Providers and Station Owners**

<Insert discussion here.>

### **Strategies for EVSE Data Collection & Sharing**

<Insert discussion here.>

### **Strategies to Address Resilience, Emergency Evacuation, Snow Removal/Seasonal Needs**

<Insert discussion here. Include discussion of any climate and natural hazard risks identified through the existing and future conditions analysis and strategies to address these risks.>

### **Strategies to Promote Strong Labor, Safety, Training, and Installation Standards**

<Insert discussion here. Include discussion of opportunities for the participation of small businesses.>

## **Civil Rights**

<Insert discussion here about how the State will ensure compliance with State and Federal civil rights laws, including Title VI of the Civil Rights Act and accompanying USDOT regulations, the American with Disabilities Act, and Section 504 of the Rehabilitation Act.>

## **Equity Considerations**

<Include a discussion of how the State is adhering to the goal outlined in the Justice40 Initiative as a part of Executive Order 14008 in the use of the NEVI Formula Program. Discuss how the plan complies with DOE and DOT guidance on Justice40.>

### **Identification and Outreach to Disadvantaged Communities (DACs) in the State**

<Insert discussion here.>

### **Process to Identify, Quantify, and Measure Benefits to DACs**

<Insert discussion of which benefits will be measured, what metric will be used to measure those benefits, and the data sources used to track metrics. Refer to DOE and DOT guidance for examples on measuring benefits to DACs. For mapping benefits to DACs, refer to Argonne National Laboratory's page Electric Vehicle Charging Equity Considerations and the Electric Vehicle Charging Justice40 Map tool.>

### **Benefits to DACs through this Plan**

<Insert discussion on benefits to identified DACs and performance against targets.>

## **Labor and Workforce Considerations**

<Insert discussion of how the State will approach training, experience level, and diversity of the workforce installing and maintaining EV charging infrastructure.>

## **Cybersecurity**

<Insert discussion of how the State will address cybersecurity of EV charging stations.>

## **Program Evaluation**

<Include a summary of how the State will monitor and report progress of the overall statewide Electric Vehicle AFC network and update this plan annually to address opportunities for improvement.>

## **Discretionary Exceptions (if any)**

<Identify and support the need for any requested exceptions, if applicable, from the requirement that charging infrastructure is installed every 50 miles along that State's portion of the Interstate Highway System within 1 travel mile of the Interstate.>

## **Appendix A: Supporting Materials (As Applicable)**



# Memorandum

Subject: INFORMATION: National Electric Vehicle Infrastructure Formula Program Guidance (Update)

Date: June 2, 2023

From: Derrell Turner /s/  
Acting Associate Administrator for Planning,  
Environment, and Realty

Refer To:  
HEPN1

To: Division Administrators

The purpose of this memorandum is to provide updates to the National Electric Vehicle Infrastructure (NEVI) Formula Program Guidance. The attached guidance supersedes the guidance that was issued on February 10, 2022.

On November 15, 2021, the President signed into law the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), (Pub. L. 117-58), which established the NEVI Formula Program. The program was authorized under Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL. On February 10, 2022 the Federal Highway Administration (FHWA) issued initial NEVI Formula Program Guidance providing background information, funding eligibilities, and program guidance for implementation of these historic investments in electric vehicle (EV) charging infrastructure that will help build a convenient, affordable, reliable, and equitable national network of EV chargers.

Under the NEVI Formula Program, each State is required to submit an EV Infrastructure Deployment Plan (Plan) on an annual basis that describes how the State intends to use its apportioned NEVI Formula Program funds in accordance with this guidance. No NEVI Formula Program funds for a fiscal year shall be obligated by a State until FHWA approves that State's updated Plan for such fiscal year, although staffing and other activities related to the development of a Plan will be eligible for reimbursement (in accordance with 2 CFR Part 200) utilizing previous fiscal year funding or advance construction.

Plans must be submitted to the Joint Office of Energy and Transportation (Joint Office) not later than August 1 of each year and the Federal Highway Administration (FHWA) will approve eligible updated Plans by September 30 of the prior fiscal year.

States also must comply with the National Electric Vehicle Infrastructure Standards and Requirements (title 23 of the Code of Federal Regulations (CFR) 680), effective 3/30/23. These Standards specify technical aspects of chargers, including connector types, power levels, minimum number of charging ports per station, minimum uptime (reliability standards), and payment methods; data submittal requirements; workforce requirements for installation, operation, or maintenance by qualified technicians; interoperability of EV charging infrastructure; traffic control devices and signage; network connectivity; and publicly available information.

The Joint Office will continue to play a key role in the implementation of the NEVI Formula Program. Much like the formalized partnership between the U.S. Departments of Transportation and Energy, FHWA Division Offices should encourage State departments of transportation to coordinate directly with their State energy agencies in the development and update of Plans and in implementation of the NEVI Formula

Program. The Joint Office will provide direct technical assistance to States and FHWA Division offices to update their Plans. Such requests for technical assistance should be directed to the Joint Office at [DriveElectric.gov](http://DriveElectric.gov).

Unless noted in this guidance, the NEVI Formula Program shall be administered as if apportioned under chapter 1 of title 23, United States Code. As such, program administration questions regarding the implementation of the NEVI Formula Program, such as those regarding eligibility, financial management, non-Federal share, contracting and procurement, or other title 23 requirements, should be directed to FHWA.

Attachment:

National Electric Vehicle Infrastructure Formula Program Guidance

# National Electric Vehicle Infrastructure Formula Program

**Bipartisan Infrastructure Law  
Program Guidance  
Federal Highway Administration June 2, 2023**

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

## **OVERVIEW**

### **I. NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI) FORMULA PROGRAM**

#### **II. FUNDING FEATURES**

- A. Authorization Levels
- B. NEVI Formula Program
- C. Federal Share and State/Local Match Requirements
- D. Specific Funding Requirements

#### **III. STATE EV INFRASTRUCTURE DEPLOYMENT PLANS**

- A. Plan Requirements and Deadlines
- B. Plan Format
- C. Equity Considerations
- D. Labor and Equitable Workforce Considerations

#### **IV. PROJECT ELIGIBILITY PROVISIONS**

- A. Project Eligibility
- B. Considerations for the Strategic Deployment of EV Charging Infrastructure by States
- C. Minimum Standards and Requirements for Projects Implemented under the NEVI Formula Program

#### **V. PROGRAM ADMINISTRATION**

- A. Tracking NEVI Formula Program Funds
- B. Data Sharing
- C. Program Evaluation
- D. Build Out Certification

#### **VI. TECHNICAL ASSISTANCE/TOOLS**

- A. Existing Station Location Data
- B. Relevant Network and Environmental Data
- C. Relevant Modeling Tools
- D. Relevant Equity and Climate Impact Tools

## OVERVIEW

This memorandum provides updates and changes to the NEVI Formula Program guidance issued February 10, 2022. The February 10, 2022 guidance is superseded by this guidance. The guidance provides information on expectations for updated Plans, funding eligibilities, and program administration guidance for the historic investments in Electric Vehicle<sup>1</sup> (EV) charging infrastructure made in the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58 (Nov. 15, 2021).

The BIL makes the most transformative investment in EV charging in United States (U.S.) history that will accelerate progress towards a convenient, affordable, reliable, and equitable national network of EV chargers<sup>2</sup>. This national network will:

- Accelerate equitable adoption of EVs, including for those who cannot reliably charge at home.
- Reduce transportation-related greenhouse gas emissions and help put the U.S. on a path to net-zero emissions by no later than 2050.
- Position U.S. industries to lead global transportation electrification efforts and help create family-sustaining union jobs that cannot be outsourced.

The BIL includes a total of up to \$7.5 billion in dedicated funding to help make EV chargers accessible to all Americans for local to long-distance trips. That \$7.5 billion is comprised of a \$5 billion formula program and a \$2.5 billion discretionary grant program:

1. **National Electric Vehicle Infrastructure (NEVI) Formula Program.** The \$5 billion NEVI Formula Program will provide dedicated funding to States to strategically deploy EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Initially, funding under this program is directed to designated Alternative Fuel Corridors (AFCs)<sup>3</sup> for electric vehicles to build out this national network, particularly along the Interstate Highway System. When the national network is fully built out, funding may be used on any public road or in other publicly accessible locations. Ten percent of the NEVI Formula Program will be set-aside each fiscal year for the Secretary of Transportation to provide discretionary grants to help fill gaps in the national network. A separate process for these “gap-filling” grants will be established in future guidance.
2. **Charging and Fueling Infrastructure Discretionary Grant Program.**<sup>4</sup> The \$2.5 billion discretionary grant program, which was announced on March 14, 2023, is further divided into two distinct \$1.25 billion grant programs to support EV charger deployment. These discretionary grant programs will ensure charger deployment meets the Biden-Harris Administration priorities such as supporting rural charging, building resilient infrastructure, climate change, and increasing EV charging access in underserved and overburdened communities (“disadvantaged communities”):

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1 All-electric vehicles (EVs), also referred to as battery electric vehicles, use a battery pack to store the electrical energy that powers the motor. EV batteries are charged by plugging the vehicle in to an electric power source. For the purposes of this guidance, EVs include passenger cars and light trucks, unless otherwise noted.

2 More information describing electric vehicle infrastructure can be found at: [Alternative Fuels Data Center: Developing Infrastructure to Charge Electric Vehicles \(energy.gov\)](https://www.energy.gov/eere/alternative-fuels-data-center/developing-infrastructure-charge-electric-vehicles-energy-gov)

3 National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors (23 U.S.C. § 151(a)-(e)).

4 National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors (23 U.S.C. § 151(f)).

- **Corridor Grant Program.** This program will strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure along designated AFCs.
- **Community Grant Program.** This program will strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure in communities.

This program guidance is focused specifically on the NEVI Formula Program.

The BIL requires the Secretary of Transportation to establish a deadline by which States shall develop and submit a State EV Infrastructure Deployment Plan (Plan) that describes how the State intends to use its apportioned NEVI Formula Program funds in accordance with this guidance.<sup>5</sup> All 52 initial Plans were submitted to the Joint Office of Energy and Transportation (Joint Office) by the established due date of August 1, 2022. The Federal Highway Administration (FHWA) reviewed and approved the initial Plans by September 27, 2022.

Updated Plans for each fiscal year must be submitted by August 1 of the prior fiscal year. Timely Plans will be reviewed and approved (or rejected) by September 30 (of the prior fiscal year) to be ready for implementation for the following fiscal year. While each State DOT must annually submit a Plan to the Joint Office describing how that State DOT intends to use funds distributed under the NEVI Formula Program, FHWA recognizes that certain sections of the Plan may not change from year to year. As such, beginning with the FY 2024 Plan (due on August 1, 2023), State DOTs are permitted to annually submit an updated Plan that incorporates and identifies relevant additions and modifications made since the prior year's Plan approval. States are encouraged to satisfy the annual Plan submission requirement by submitting a more streamlined Plan update, to the extent practicable. However, if changes have been made corresponding to a particular section of the prior year's Plan, the State DOT should clearly identify what has changed.

No State may obligate its apportioned NEVI Formula Funds for EV charging infrastructure projects for a particular fiscal year until that State's updated Plan has been submitted<sup>6</sup> to the Joint Office and approved by FHWA. Staffing and development of the Plan will be eligible for reimbursement (in accordance with 2 CFR Part 200) using prior year funding or under advance construction. See Section III for additional information about the State EV Infrastructure Deployment Plans.

Because NEVI Formula Program funds are directed to designated AFCs to build out a convenient, affordable, reliable, and equitable public charging network until a State's corridors have been deemed by the Secretary to be "fully built out", States should first prioritize investments along the Interstate Highway System. States should review their designated AFCs and consider designating additional corridors, particularly any undesignated interstates, as part of the upcoming round of Request for Nominations for AFCs.<sup>7</sup>

These programs will support the Justice40<sup>8</sup> Initiative which establishes a goal that at least 40% of the

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<sup>5</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VII of division J of BIL, states that "a State shall provide a plan to the Secretary, in such a form and such a manner that the Secretary requires."

<sup>6</sup> The development of the Plans is an eligible expense as a direct cost for use of the NEVI Formula Program funds

<sup>7</sup> For additional information about the sixth round of Request for Nominations for Alternative Fuel Corridors, please see: [Alternative Fuel Corridors - Environment - FHWA \(dot.gov\)](#)

<sup>8</sup> OMB, "Interim Implementation Guidance for the Justice40 Initiative," M-21-28 (July 20, 2021) available at [M-21-28 \(whitehouse.gov\)](#)

benefits of federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities. This does not mean, however, that 40% of all charging infrastructure funded under this program must be located in disadvantaged communities. See Section VI for additional information.

This guidance has been developed by FHWA in coordination with the Joint Office and is intended to provide general guidance to FHWA Division Administrators and State departments of transportation (DOTs) related to implementation of the NEVI Formula Program. The FHWA and Joint Office have worked closely together to implement the NEVI BIL provisions. State DOTs should coordinate closely with their State energy and environmental departments, among others, on the implementation of the NEVI Formula Program and to develop their State EV Infrastructure Deployment Plans. See Section III-B for additional information about this consultation.

## I. NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI) FORMULA PROGRAM

The NEVI Formula Program is authorized under Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL, which was signed into law on November 15, 2021.

The purpose of the NEVI Formula Program is to “provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.”<sup>9</sup> To be effective, the EV charging infrastructure deployed under this program must provide a seamless customer experience for all users through a convenient, affordable, reliable, and equitable national EV charging network.

The State EV Infrastructure Deployment Plans created and updated under the NEVI Formula Program are the building blocks that will facilitate this national EV charging network. This national EV charging network will provide EV users with the confidence that they can travel long distances and expect reliable access to EV charging stations when needed, while also recognizing the unique needs of different regions and communities.

The BIL required FHWA to develop a set of minimum standards and requirements for EV charging infrastructure which can be found here: [23 CFR 680](#). These regulations are effective as of March 30, 2023 and States must comply with them for the implementation of NEVI Formula Program projects.

All funds associated with the NEVI Formula Program shall be administered as if apportioned under chapter 1 of title 23, United States Code, which encompasses requirements for States to receive Federal-aid funding.

## II. FUNDING FEATURES

### A. AUTHORIZATION LEVELS

The BIL appropriates a total of \$5.0 billion for the NEVI Formula Program over the period of fiscal years 2022 through 2026. Table 1 shows the NEVI Formula Program levels by fiscal year.

BIPARTISAN INFRASTRUCTURE LAW (BIL)					
Fiscal Year	2022	2023	2024	2025	2026
Advance Appropriation (General Fund)	\$1.000 B				

<sup>9</sup> Under the NEVI Formula Program, the term “State” is given the same meaning as in section 101 of title 23, United States Code. Under 23 U.S.C. 101(a)(27), State means any of the 50 States, the District of Columbia, or Puerto Rico.

## B. NEVI FORMULA PROGRAM<sup>10</sup>

### Type of Budget Authority

- Current and advance appropriations from the General Fund.

### Period of Availability

- Available until expended.

### Pre-Apportionment Set-Asides

- For FY22 only, the BIL sets aside up to \$300 million for the Departments of Transportation and Energy to establish a Joint Office, which among other activities, is tasked with helping to formulate NEVI Formula Program guidance, best practices, and to provide vision, technical, and other assistance to States and localities in the planning and implementation of a national EV charging network, while also supporting additional transportation electrification efforts in the Federal government.
- For each year of FY22-26, after the set-aside listed above, the BIL sets aside 10 percent of EV Formula funding for grants to States and localities that require additional assistance to strategically deploy EV charging infrastructure, as determined by the Secretary of Transportation.
- The BIL allows FHWA to use up to 1.5 percent of annual NEVI Formula Program funds for FHWA's operations and administration.

### Distribution of Funds

- FHWA will distribute NEVI Formula Program funding (net of the pre-apportionment set-asides described above) among States, including the District of Columbia and Puerto Rico on a formula basis. Under the formula, each State receives a share of program funding equal to the State's share of the combined amount that FHWA distributes in—
  - Federal-aid highway apportionments; and
  - Puerto Rico Highway Program funding.
- This funding is not subject to any limitation on obligation.

## C. FEDERAL SHARE AND STATE/LOCAL MATCH REQUIREMENTS

The Federal cost-share for NEVI Formula Program projects is 80 percent. Private and State funds can be used to provide the remaining cost-share. NEVI Formula Program funds can be spread further by combining them with other eligible USDOT funding for EV charging infrastructure projects, such as the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, if the eligibility requirements are met for both programs and the total Federal cost-share does not exceed 80 percent. Generally, projects funded by the NEVI Formula Program can use in-kind match in a similar manner as any project funded under 23 U.S.C.

See also “DOT Funding and Financing Programs with EV eligibilities” table in [Federal Funding is Available for Electric Vehicle Charging Infrastructure On the National Highway System](#) for more information.

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<sup>10</sup> See FHWA NEVI Formula Program distribution table at: [Bipartisan Infrastructure Law - 5-year National Electric Vehicle Infrastructure Funding by State | Federal Highway Administration \(dot.gov\)](#)

## D. SPECIFIC FUNDING REQUIREMENTS

### Statutory Requirements Associated with Alternative Fuel Corridors

- “Any EV charging infrastructure acquired or installed with NEVI Formula Program funds shall be located along a designated Alternative Fuel Corridor.”<sup>11</sup>
  - States should prioritize the use of NEVI Formula Program funding for EV charging infrastructure along the Interstate Highway System.
  - As infrastructure must be located along designated corridors, States should review designated AFCs and consider adjusting nominations for corridors, prioritizing the Interstate Highway System first.
  - States may also use NEVI Formula Program funding elsewhere on designated corridors along the National Highway System, as necessary, to ensure a convenient, affordable, reliable, and equitable national network.
- “If a State determines, and FHWA certifies<sup>12</sup>, that the designated AFCs for electric vehicles in the State are fully built out, then the State may use funds provided under the NEVI Formula Program for EV charging infrastructure on any public road or in other publicly accessible locations that are open to the general public or to authorized commercial motor vehicle operators from more than one company.”<sup>11</sup>
  - As of the publication of this guidance, no State has yet been certified as fully built out.
  - See Section V-C for more information.
- “All funding distributed under the NEVI Formula Program shall be for projects directly related to the charging of a vehicle and only to support EV charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company.”<sup>11</sup>
  - See Section IV-A for more information.

### Contracting with Private Entities

- Funds made available under the NEVI Formula Program may be used to contract with a private entity for acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure and the private entity may pay the non-Federal share of the cost of a project funded. States should demonstrate a contracting strategy that makes maximal efficient use of Federal funding while meeting the requirements of 23 U.S.C.
  - FHWA anticipates that in most instances States will elect to contract with private entities for the installation, operation, and maintenance of EV charging infrastructure.
  - Subject to contract terms, ownership of EV charging infrastructure does not need to revert to the State when a State elects to contract with a private entity to install, operate, or maintain EV charging infrastructure.

### Transferability to Other Highway Formula Programs

- States are prohibited from transferring NEVI Formula Program funding to other highway formula programs.<sup>13</sup>

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<sup>11</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL

<sup>12</sup> As delegated by the Secretary of Transportation

<sup>13</sup> Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of BIL.

### III. STATE EV INFRASTRUCTURE DEPLOYMENT PLANS

#### A. PLAN REQUIREMENTS AND DEADLINES

##### Plan Process

- Under BIL, each State was required<sup>14</sup> to develop a Plan in accordance with the NEVI Program Guidance released on February 10, 2022, and to submit their first Plan not later than August 1, 2022 to the Joint Office.<sup>15</sup>
- This updated NEVI guidance was developed to assist States in updating their Plans. Updated Plans will, once again, be submitted to the Joint Office. States are highly encouraged to use the template found at [DriveElectric.gov](https://www.safercar.gov/driveelectric). Updated Plans will be due on August 1 of the prior fiscal year.
- States should work directly with the Joint Office during Plan updates and to remedy any issues with their Plans before submitting final updated Plans. Technical assistance provided by the Joint Office in coordination with FHWA is intended to help ensure Plans will comply with all Program Guidance and requirements.
- FHWA will work with the Joint Office to review Plans and FHWA will notify each State if their fiscal year Plan is approved for implementation and obligation not later than September 30 of the prior fiscal year.
- No NEVI Formula Program funds shall be obligated by a State until FHWA has approved<sup>16</sup> that State's Plan; however, the development and/or update of the Plan, including reasonable and necessary staffing, is an eligible<sup>17</sup> reimbursable expense as a direct cost for use of the NEVI Formula Program funds. These costs can be funded out of prior year funds or under advance construction. See Section VI for further guidance on technical assistance offered to assist States in Plan preparation.
- All approved Plans should be publicly accessible via the State DOT's website and compliant with Section 508 of the Rehabilitation Act.
- If a State fails to submit a Plan consistent with this guidance<sup>18</sup> for a particular fiscal year by August 1, of the prior fiscal year, or if FHWA determines that a State has failed to take action to carry out its Plan, FHWA may withhold or withdraw, as applicable, funds made available under the Program for the fiscal year from the State and award such funds on a competitive basis<sup>19</sup> to local jurisdictions within the State for use on projects that meet the eligibility requirements outlined in this guidance. FHWA will notify and consult with a State at least 90 days before making such a determination and identify actions the State can take to remedy deficiencies.
- FHWA will provide notice to a State on the intent to withhold or withdraw funds not less than 60 days before withholding or withdrawing any funds, during which time the States shall have an opportunity to appeal directly to the Secretary. If funds cannot be fully awarded to local jurisdictions within the State, the funds will be distributed among other States (except States for which funds for the FY have been withheld or withdrawn) in the same manner as funds distributed for that FY except that the ratio shall be adjusted to exclude States for which funds for that FY have been withheld or withdrawn.

<sup>14</sup> Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of BIL states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires”

<sup>15</sup> Plan should be submitted in both Word and pdf formats and should be compliant with Section 508 of the Rehabilitation Act.

<sup>16</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires”

<sup>17</sup> Under the cost principles at 2 CFR part 200.

<sup>18</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires”.

<sup>19</sup> Further information regarding a competitive process would be provided in a Notice of Funding Opportunity.

## B. PLAN FORMAT

A recommended template for the updated Plans can be found at [DriveElectric.gov](https://www.driveelectric.gov) and [FHWA's NEVI Website](https://www.fhwa.gov/programs/ev/evi/).

Plans shall<sup>20</sup> include all the necessary information required for FHWA to determine that the Plan satisfies the NEVI Formula Program requirements found in Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of the BIL. Updated Plans may meet this requirement by supplementing information provided through previously approved Plans. Plans should be developed through consideration of this guidance and specifically Section IV. All Plan exhibits and attachments should clearly identify what area of the Plan the document supports.

While each State DOT must annually submit a Plan to the Joint Office describing how that State DOT intends to use funds distributed under the NEVI Formula Program, FHWA recognizes that certain sections of the Plan may not change from year to year. As such, beginning with the FY 2024 Plan, State DOTs are permitted to annually submit an updated Plan that incorporates and identifies relevant additions and modifications made since the prior year’s Plan approval. States are encouraged to satisfy the annual Plan submission requirement by submitting a more streamlined Plan update, to the extent practicable. However, if changes have been made corresponding to a particular section of the prior year’s Plan, the State DOT should clearly identify what has changed.

### Introduction

This section of the Plan should introduce the Plan development process to include a discussion of topics such as the Plan’s study area and the dates of the analysis and adoption.

*This section of the Plan should also address the following, as applicable:*

- If only certain sections of the Plan are updated from the prior fiscal year, the introduction should identify sections with modifications, along with a succinct summary of updates.

### State Agency Coordination

The Plan should describe how the State DOT has coordinated with the State’s energy and/or environment department in the development and approval of the Plan. The Plan should address any steps the State’s DOT has taken or plans to take to maximize opportunities to utilize U.S.-made EV supply equipment.

*This section of the Plan should also address the following, as applicable:*

- States should identify and discuss any memoranda of understanding (MOUs) or other agreement entered into with another State agency to help administer the NEVI Program.
- States should identify and discuss relevant interagency working groups that have been established in support of NEVI.

### Public Engagement

This section should discuss the statewide public engagement on EV charging infrastructure. This section should discuss the involvement of particular stakeholder groups in the Plan’s development to include the general public, governmental entities, federally recognized Tribes, labor organizations, private sector/industry representatives, utilities, representatives of the transportation and freight logistics industries, state public transportation agencies, and urban, rural, and underserved or disadvantaged

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<sup>20</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires”.

communities. States are strongly encouraged to engage stakeholders and communities to ensure the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution.

*This section of the Plan should also address the following:*

- Per 23 CFR 680.112 (d) States must include a community engagement outcomes report and include a description of the community engagement activities conducted as part of the development and approval of their most recently-approved Plan, including engagement with disadvantaged communities.
- States should also include specific information regarding engagement with Tribal communities.
- States should also identify and discuss outcomes from engaging with utilities.
- States should discuss how they will engage communities or ensure that third-party entities contracted to install EV charging infrastructure will engage communities, where EV charging infrastructure will be sited.
- See [Questions and Answers](#) for best practices surrounding public engagement for the development/update of the Plan.

### **Plan Vision and Goals**

The Plan should describe how it supports a convenient, affordable, reliable, and equitable statewide and national EV network. The Plan should describe how the State intends to use the funds distributed under the NEVI Formula Program to carry out the Program in each fiscal year in which funds are made available. The Plans should be updated on an annual basis to reflect the State funding plans for that fiscal year. Each State should provide 5-year goals for the duration of the program that include at least one outcome- oriented goal with a quantitative target. This section of the Plan should also identify the overall vision and goals specific to the geography, demographics, and network of the State as consistent with the NEVI Formula Program.

*This section of the Plan should also address the following, as applicable:* States should indicate changes in strategic direction, goals, or milestones outlined in Plans from prior fiscal years. States are also encouraged to discuss their strategy for utilizing NEVI funds once EV alternative fuel corridors are certified as “fully built out”.

### **Contracting**

FHWA anticipates that in most instances States will contract with private entities for the installation, operation, and/or maintenance of EV charging infrastructure funded in whole or in part through the NEVI Formula Program. The Plan should detail whether the State intends to contract with third-party entities, and if so, how the State will ensure that those entities deliver EV charging infrastructure in a manner that leads to efficient and effective deployment against Plan goals. This section should also include a strategy for achieving efficient delivery and deployment and ongoing operation and maintenance. A contracting strategy that makes maximal efficient use of Federal funding will be an important consideration for approval of State Plans. This section should also discuss how States will ensure that third-party entities contracted to install, operate, or maintain EV charging infrastructure will engage communities where EV charging infrastructure will be installed. Plans should also include a discussion of how the State will or did include opportunities for small businesses as provided at 23 U.S.C. 304.

*This section of the Plan should also address the following:*

- States should include the number, status, and timelines for existing and upcoming State Request for Proposals (RFPs), Request for Qualifications (RFQs), or contract awards.
- States should identify contracts awarded and include the type of contract mechanism used (public-private partnership design-build-operate-maintain, design-build, indefinite

delivery/indefinite quantity, or others). States should identify RFP/contract provisions utilized/to be utilized to promote competitive bids and cost containment.

- States should identify if contracts used scoring methods for equity and Justice40 topics.
- States should include information on how they are ensuring compliance with 23 U.S.C., 23 CFR 680, and all applicable requirements under 2 CFR 200.

### Civil Rights

This section of the Plan should discuss how the State planning and implementation will ensure compliance with State and Federal civil rights laws, including title VI of the Civil Rights Act and accompanying USDOT regulations, the American with Disabilities Act, and Section 504 of the Rehabilitation Act.

Title VI of the Civil Rights Act of 1964 mandates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Key activities to effectively address title VI concerns may include: conducting meaningful public participation and engagement throughout the project planning and development process, and evaluating the impacts and benefits of programs in light of the demographics of affected communities, to avoid disparate impacts and provide equitable access to benefits.

States must ensure compliance with State and Federal civil rights laws pertaining to individuals with disabilities, e.g., the American with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act (Section 504) including applicable accessibility standards adopted by DOT in its regulations at 49 CFR Parts 27 and 37 and by DOJ in its regulations at 28 CFR Parts 35. The existing ADA standards address many aspects of accessibility for buildings and sites applicable to EV charging stations but do not specifically address EV charging stations. To address this gap, in July 2022, the U.S. Access Board issued *Design Recommendations for Accessible Electric Vehicle Charging Stations*<sup>21</sup>. Charging stations should be designed and constructed according to the Access Board's Recommendations to demonstrate ADA compliance and optimize usability for persons with disabilities.

*This section of the Plan should address the following, as applicable:* States should indicate changes in civil rights compliance considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).

### Existing and Future Conditions Analysis

This section should identify the existing conditions within the study area at the time of the Plan creation. It should include the best available information regarding the State's geography and terrain as it pertains to its EV charger deployment vision and challenges, current and future temperature and precipitation patterns, industry/market conditions (to include an overview of the existing state of EV charging, current and projected EV ownership, the location of existing EV charging, and a discussion of the roles of DC Fast Charging stations), public transportation needs, freight and other supply chain needs, grid capacity necessary to support additional EV charging infrastructure, electric utilities that service the study area, land use patterns, travel patterns, EV charging infrastructure, information dissemination about the EV charging station availability. This section should also include a discussion on known risks and challenges for EV deployment. For further guidance on the technical assistance offered for analysis, see Section VI in this document.

*This section of the Plan should also address the following:*

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<sup>21</sup> [EV Charging Stations Guidance \(access-board.gov\)](#)

- States should provide information on AFC designations, including information from the most recent round of nominations, such as descriptive maps and tables.
- States should clearly identify whether each of the existing stations are or will meet all of the relevant minimum requirements for EV charging infrastructure identified in [23 CFR 680](#) (these include [23 CFR 680.104](#), [23 CFR 106\(b\)](#), [23 CFR 680.106\(c\)](#), [23 CFR 680.106\(d\)](#), [23 CFR 680.106\(e\)](#), [23 CFR 680.106\(f\)](#), [23 CFR 680.106\(g\)](#), [23 CFR 680.106\(h\)](#), [23 CFR 680.106\(i\)](#), [23 CFR 680.106\(k\)](#), [23 CFR 680.106\(l\)](#), [23 CFR 680.108](#), [23 CFR 680.110](#), [23 CFR 680.114](#), and [23 CFR 680.116](#)).
- The State should also indicate their intent to count each existing station towards a determination of fully built out status (see Section V-C).

### **EV Charging Infrastructure Deployment**

This section should discuss EV charging infrastructure installations and associated policies to meet the vision and goals of the Plan. While the Plan does not need to include a list of exact EV charging infrastructure locations, it should provide as much detail as practicable on the location of the planned infrastructure (when known, to include the street address) and it should include an overall strategy for installations along designated corridors that prioritizes build out along the Interstate Highway System. Components of this section should include information about planned new EV charging infrastructure deployment location types, as well as existing EV charging infrastructure locations planned for upgrade or expansion. Plans should also identify which utility's territory the planned installations or upgrades are located in.

The section should also include a map, preferably also available online, and corresponding table of the corridors that are planned for EV charging infrastructure installation or upgrade as well as the approximate timing and priority for deploying EV chargers along each of these corridors to meet fully built out determination. The Joint Office can provide assistance to States to help develop these maps. Specifically, maps should include:

1. Approximate locations of planned EV charging infrastructure;
2. Approximate locations of existing EV charging infrastructure along those corridors, specifically noting existing EV charging infrastructure targeted for upgrade or improvement to meet the requirements of the NEVI programs.

This section should also identify the source of non-federal funding for EV charging infrastructure deployments. It can include both immediate and longer-term actions but should identify actions to build out AFCs, particularly those along the Interstate Highway System. It should also include actions that will be taken after the build out of the State's AFCs has been accomplished, including ensuring that any portions of the Interstate Highway System not part of the designated AFCs for electric vehicles will be fully built out. Funding topics covered should include funding amounts and sources (including the NEVI Formula Program at a minimum), use of public-private partnerships, and information about EV charging infrastructure ownership.

The overarching goal of the NEVI Formula Program is a seamless national EV charging network, so the Plan should also address how a State will coordinate and connect regionally with other States and adjoining networks specifically in instances where an existing AFC terminates at the state border.

*This section of the Plan should also address the following:*

- In order to describe how a State plans to use their NEVI funding, this section should include details about the specific stations under construction and future stations. Information about stations under construction should identify known characteristics of those stations under

construction at the time of Plan approval. Information provided about future stations should illustrate characteristics about those stations that are anticipated to go under construction after Plan approval. Characteristics describing each station should illustrate the general anticipated location of the charging stations, the anticipated number of ports at each charging station, and the anticipated year that each station will be operational.

- States should also indicate how many additional stations and ports (those stations that are not operational at the time of plan approval) the State estimates are planned to reach fully built out status, and the estimated timeframe when the State anticipates reaching fully built out status (see Section V-C)

### **Implementation**

Implementation considerations should include EV charging operations and maintenance programs, and EV charging infrastructure data collection and sharing. The Plan should identify installation, maintenance, and ownership responsibilities for the charging infrastructure and take into account how those roles will ensure the long-term sustainability of the station. The Plan should also demonstrate how the implementation will promote strong labor, safety, training, and installation standards as well as opportunities for the participation of small businesses, including minority-owned and women-owned small businesses. The Plan should also address emergency and evacuation needs, snow removal and seasonal needs, and ways for EV charging to support those needs. The Plan should also describe strategies for resilience for operation during emergencies and extreme weather.

*This section of the Plan should also address the following, as applicable:* States should indicate changes in implementation considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).

### **Equity Considerations**

The Plan should be developed through engagement with rural, underserved, and disadvantaged communities and stakeholders, including relevant suppliers and contractors, and describe how the Plan reflects that engagement.

Many of the burdens from the transportation and energy systems have been historically and disproportionately borne by disadvantaged communities. Unequal distribution of benefits from the transportation and energy systems has prevented disadvantaged communities and minority-owned and women-owned businesses from realizing equitable benefits from these systems, while other historic barriers to transportation have made facilities inaccessible to individuals with disabilities. For these reasons, the NEVI Formula Program will emphasize equity considerations at its inception to avoid exacerbating existing disparities in the transportation system and to develop a convenient, affordable, reliable, and equitable charging experience for all users.

NEVI Formula Program investments in EV charging infrastructure have the potential to:

- Improve clean transportation access through the location of chargers;
- Decrease the transportation energy cost burden by enabling reliable access to affordable charging;
- Reduce environmental exposures to transportation emissions;
- Increase parity in clean energy technology access and adoption;
- Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers;
- Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities;
- Increase energy resilience;

- Provide charging infrastructure for transit and shared-ride vehicles;
- Increase equitable access to the electric grid; and
- Minimize gentrification-induced displacement result from new EV charging infrastructure.

Plans should be developed through engagement with rural, underserved, and disadvantaged communities to ensure that diverse views are heard and considered throughout the planning process, and to ensure that the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution of benefits and services. Plans should reflect this engagement.

Plans should explain how the State will deliver projects under the NEVI Formula Program that, consistent with E.O. 14008 and the Interim Justice40 Guidance<sup>22</sup> issued by the White House and USDOT, target at least 40 percent of the benefits towards disadvantaged communities. Consistent with the Justice40 Interim Guidance, USDOT and USDOE have developed an EV Charging Justice40 Mapping Tool<sup>23</sup> that States are encouraged to utilize during the development of their Plans.

*This section of the Plan should also address the following:*

- States should indicate changes in equity considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).
- States should include an updated discussion related to how the State is adhering to the goal outlined in the Justice40 Initiative as a part of Executive Order 14008 in the use of the NEVI Formula Program. See [Questions and Answers](#) for best practices surrounding consistency with E.O. 14008 and the Interim Justice40 Guidance<sup>24</sup>

### **Labor and Workforce Considerations**

This section of the Plan should consider the training, experience level, and diversity of the workforce that is installing and maintaining EV charging infrastructure which will create new opportunities for workers in the electrical and other construction trades, while also creating work for the skilled incumbent workforce around the country. To ensure safety and high-quality delivery, each Plan should consider the training and experience level of the workforce that is installing and maintaining EV charging infrastructure. This includes a discussion in the Plan describing how a State shall ensure that the workforce is trained in high quality training programs like the Electric Vehicle Infrastructure Training Program (EVITP) or otherwise comply with the qualified technician requirements in [23 CFR 680.106\(j\)](#).

To help meet the workforce needs of the NEVI Formula Program, each Plan should also consider steps that will grow and diversify their local workforce. This includes utilizing innovative contracting approaches authorized by law to maximize job creation and economic benefits for local communities. This also includes taking proactive steps to encourage broader participation among women, Black, Latino, Asian American Pacific, Indigenous, and other underrepresented groups in the development of those workforces. States should also consider how they can expand registered apprenticeships and invest in entry-level training programs like quality pre-apprenticeship programs. Consistent with Justice40<sup>25</sup>, States should also consider how disadvantaged communities will benefit from this added job growth. Plans

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<sup>22</sup> Section 219 of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad and OMB, “Interim Implementation Guidance for the Justice40 Initiative,” M-21-28 (July 20, 2021) available at [M-21-28 \(whitehouse.gov\)](#)

<sup>23</sup> [Electric Vehicle Charging Justice40 Map \(arcgis.com\)](#)

<sup>24</sup> Section 219 of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad and OMB, “Interim Implementation Guidance for the Justice40 Initiative,” M-21-28 (July 20, 2021) available at [M-21-28 \(whitehouse.gov\)](#)

<sup>25</sup> [M-21-28 \(whitehouse.gov\)](#)

should describe how the qualified technician requirements under [23 CFR 680.106\(j\)](#) will be reflected in a State's contracting and procurement strategies.

Strong labor, training, and installation standards will help produce a nationwide network of 500,000 EV chargers by 2030 that provides a convenient, reliable, affordable, and equitable charging experience for all users. See [23 CFR 680.106\(j\)](#) for applicable minimum requirements for qualified technicians.<sup>26</sup> See also [Questions and Answers](#) for best practices surrounding labor and equitable workforce considerations.

*This section of the Plan should address the following, as applicable:* States should indicate changes in labor and equitable workforce considerations outlined in Plans from prior fiscal years. At a minimum, this should include a discussion of how the State will ensure that the workforce installing, maintaining, and operating chargers has appropriate licenses, certifications and trainings in compliance with [23 CFR 680.106\(j\)](#). Plans should also discuss how these qualified workforce requirements are enforced through the State's NEVI contracting and procurement strategies.

### **Physical Security & Cybersecurity**

This section of the Plan should discuss how the State will address physical security and cybersecurity in accordance with 23 CFR 680.106(h). Physical security strategies may include topics such as lighting; siting and station design to ensure visibility from onlookers; driver and vehicle safety; video surveillance; emergency call boxes; fire prevention; charger locks; and strategies to prevent tampering and illegal surveillance of payment devices. Cybersecurity strategies may include the following topics: user identity and access management; cryptographic agility and support of multiple Public Key Infrastructures (PKIs); monitoring and detection; incident prevention and handling; configuration, vulnerability, and software update management; third-party cybersecurity testing and certification; and continuity of operation when communication between the charger and charging network is disrupted. The Plan should identify considerations when software updates are made to ensure the station or vehicle is not compromised by malicious code, or that a vehicle infects other stations during future charges.

*This section of the Plan should address the following, as applicable:* States should indicate changes in how physical and cybersecurity were addressed in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).

### **Program Evaluation**

This section of the Plan should describe the State's schedule and plan for evaluating performance in achieving its 5-year goals and vision. Evaluation of the effectiveness of this plan should include monitoring performance metrics, such as EV charging infrastructure usage, EV charging infrastructure reliability, customer satisfaction, equitable distribution and access to EV charging infrastructure within the State, greenhouse gas emissions, or other metrics that support creating a national network. This should include an assessment of a State's efficient use of Federal funding, measured by the amount of charging leveraged per Federal dollar.

Other evaluation indicators a State might consider:

- Program benefits, such as job creation, EV adoption, improved access to EV charging infrastructure, and benefits to underserved communities.
- Program success in creating charging infrastructure that is convenient, affordable, reliable, and equitable.
- Program progress, in terms of the quantity of funds distributed, number of funding recipients, the time required to construct new charging stations, and the number of charging stations constructed.

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<sup>26</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

*This section of the Plan should also address the following, as applicable:* States should provide a summary and assessment of the performance of EV chargers based on data submitted to the Joint Office in compliance with [23 CFR 680.112](#) (see Section V-B for more information).

### **Discretionary Exceptions**

As part of the development and approval of State Plans, and in very limited circumstances, a State may submit a request for discretionary exceptions from the requirement that charging infrastructure is installed every 50 miles along that State's portion of the AFC within 1 travel mile of the AFC, as provided in the AFCs request for nominations criteria. Requests will not be considered or accepted for exceptions from other Program requirements. Requests will also not be considered or accepted for exceptions from regulatory requirements under [23 CFR 680](#). For example, exception requests will not be considered for the minimum number of charging ports (23 CFR 680.106(b)) or minimum power level (23 CFR 680.106(d)) requirements.

All approved exceptions will be supported by a reasoned justification from the State that demonstrates the exception will help support a convenient, affordable, reliable, and equitable national EV charging network. Exception requests must be clearly identified and justified in State Plans. Additional coordination with FHWA and the Joint Office may be necessary before any exception is approved. Exceptions will be approved on a case-by-case basis and will be adjudicated prior to approval of a Plan. Exception requests to the 50-mile criteria, even if previously considered, must be submitted on an annual basis until a State has been deemed fully built out. Granted exceptions to the 1-mile criteria are permanent and should be noted in the Plan. Once deemed fully built out, all granted exceptions will become permanent.

Discretionary exceptions should only be requested to ensure consistency across the national network and will be granted sparingly. During first year of Plan reviews, a total of 29 discretionary exceptions were approved. Examples that may support an exception include charging in disadvantaged communities, rural areas, or where grid capabilities are limited. See [DriveElectric.gov](#) or [FHWA's NEVI resources webpage](#) for a template to request discretionary exceptions.

*This section of the Plan should address the following, as applicable:* States should identify any new exception requests to the 1-mile criteria being submitted as well as all requests, new or recurring, to the 50-mile criteria. States should also note any previously granted exception requests from prior years.

## **IV. PROJECT ELIGIBILITY PROVISIONS**

### **A. PROJECT ELIGIBILITY**

NEVI Formula Program funds are restricted to projects that are directly related to EV charging infrastructure that is open to the public<sup>27</sup> or to authorized commercial motor vehicle (see [23 CFR 658.5](#)) operators from more than one company.<sup>28</sup>

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<sup>27</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible. Please note that while hydrogen, propane, and natural gas fueling infrastructure are not eligible under the NEVI Formula Program, these additional fuels are eligible under the Corridor Charging Grants and the Community Charging Grants (23 U.S.C. § 151).

<sup>28</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

See also [Questions and Answers](#) for detailed responses to questions about project eligibility. In general, NEVI Formula Program funds may be used for:

### **Acquisition and Installation**

The acquisition and installation of EV charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability.

- The NEVI Formula Program funds can be utilized to install new chargers, to upgrade existing chargers, or to add additional charging infrastructure along designated AFCs.
- The installation of EV charging equipment is typically considered to be a construction improvement, not an operational improvement.
- Eligible acquisition and installation costs include costs directly related to light-duty, medium-duty, and heavy-duty EV charging infrastructure such as:
  - New charging stations
  - Upgrades to existing charging stations
  - On-site distributed energy resources (DERs). (Renewable energy generation and storage, such as on-site solar panels, would be considered directly related, and therefore would be eligible.)
  - On-site electric service equipment
  - Permanently attached connectors and/or connector adapters
  - Traffic control devices and signage

### **Operating Assistance**

Operating assistance for costs allocable to operating and maintaining EV charging infrastructure acquired or installed under this program, for a period not to exceed five years.

- Operating assistance under the NEVI Formula Program is available only for those charging stations for which NEVI Formula Program funds have first been used for acquisition or installation, including upgrades.
- It is anticipated that such operating assistance may be needed at some locations with lower utilization but that are key to having a contiguous, national network and to address equity issues in both rural and urban areas where current levels of EV ownership make such lower utilization more likely and potentially increases operating cost burden on EV charging infrastructure owners and network operators. Other locations will not need this assistance for a commercial entity to run and operate. States should focus NEVI Formula Program funding for operating assistance to only those locations that most require operating assistance that will ensure a contiguous, national network or to address equity issues in rural and urban areas where current levels of EV ownership make lower utilization more likely. Funding decisions should be reviewed as the network matures.
- Where NEVI Formula Program funds are used for operating assistance, this operating assistance shall not exceed five years.

### **Development Phase Activities**

Development phase activities relating to the acquisition of stations and equipment as well as installation of EV charging infrastructure.

- Development phase activities include planning (including the development of the Plan), feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- While no NEVI Formula Program funds shall be obligated by a State until FHWA has approved that State's Plan for each fiscal year, the development of the Plan, including reasonable and necessary staffing, is an eligible reimbursable expense as a direct cost for use of the NEVI Formula Program funds.
- These costs can be funded with prior year NEVI Formula Program funding, or State DOTs can

create an agreement with FHWA for Advance Construction (AC) prior to getting the NEVI obligation approved for the cost of the Plan and then request conversion of the AC project to obligate NEVI Formula Program funds and seek reimbursement for eligible costs. Any costs incurred by a State DOT prior to the AC authorization would not be eligible for reimbursement. State DOTs should be aware that Plans progressed under non-NEVI funds would not be eligible for later conversion to NEVI Formula Program funds.

- As with other activities funded under title 23, U.S.C., funds can be used for drafting environmental documents and studies, preliminary engineering, and related work. NEVI funds cannot be used for final design and construction for site installations until the NEPA review is completed.
- Costs for planning and permitting of on-site distributed energy resource (DER) equipment (e.g., solar arrays, stationary batteries) that are directly related to the charging of a vehicle are eligible for reimbursement. These costs should only be considered if they will lead to lower costs to consumers, greater EV charging station reliability, and if they do not substantially increase the timeline for completing an EV charging station project. States should consult with Public Utility Commissions and electric utilities to understand regulations and policies restricting the use of DERs at EV charging stations, as well as incentive programs. States are encouraged to consider the magnitude of these costs and explore whether costs could be covered by electric utilities or other programs other than the NEVI Formula Program. The Joint Office of Energy and Transportation is available help States better understand and assess the inclusion of DERs at EV charging station locations.
- This includes community outreach and participation, including with rural, Tribal, and disadvantaged communities, to facilitate equitable and accessible deployment of EV charging infrastructure.

### **Traffic Control Devices and On-Premise Signage**

The acquisition or installation of traffic control devices located in the right-of-way to provide directional information to EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program. Off-premise signs to provide information about EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program.

- Traffic control devices shall be consistent with the Manual on Uniform Traffic Control Devices (MUTCD) under 23 CFR 655 and on-site signage shall be consistent with the Outdoor Advertising Control regulations under 23 CFR 750.
- This includes accessible signage that directs drivers to an EV charging station location and signage that provides information at the EV charging station location.

### **Data Sharing**

Data sharing about EV charging infrastructure to ensure the long-term success of investments.

- This includes, to the extent practicable, costs related to the specific data sharing requirements of this program as well as costs of data sharing on all chargers and charging activities on the EV network.
- NEVI Formula Program funds can be used for data sharing activities including those activities required under [23 CFR 680](#) to ensure the long-term success of program investments.
- See also Section V-B.

### **Mapping and Analysis Activities**

Mapping and analysis activities to evaluate in an area in the United States designated by the eligible entity,

- the locations of current and future EV owners
  - This includes identifying disadvantaged communities with the greatest disparity of EV investments and estimating the benefits to disadvantaged communities in alignment with

Justice40.

- to forecast commuting and travel patterns of EVs and the quantity of electricity required to serve EV charging stations
  - This includes modelling both the existing and projected future travel patterns of EVs and the corresponding electric service readiness needed to address these travel patterns.
  - This also includes forecasting public transportation electrification needs.
- to estimate the concentrations of EV charging stations to meet the needs of current and future EV drivers
  - NEVI Formula Program funding can be used to analyze the locations of potential charging station as well as the appropriate power level and quantity of charging stations.
- to estimate future needs for EV charging stations to support the adoption and use of EVs in shared mobility solutions, such as micro-transit and transportation network companies
  - NEVI Formula Program funding can be used for the portion of shared mobility studies that address the role of EV integration into shared mobility solutions.
- to develop an analytical model to allow a city, county, or other political subdivision of a State or a local agency to compare and evaluate different adoption and use scenarios for EVs and EV charging stations.
  - Modeling scenarios can include Federal land management agencies, public transportation agencies, and economic development authorities.
  - State DOTs may wish to review Section VI on Technical Assistance in this document to better understand whether they should undertake these mapping and analysis functions themselves or obtain assistance from the Joint Office.

### **Program Administration**

Administrative costs are an eligible expense under the NEVI Formula Program; however, direct and indirect cost allocation for reimbursement must follow 2 CFR part 200. General program administration to include staffing costs without the use of an approved indirect cost rate are not eligible costs for reimbursement under the NEVI Formula Program. As is required with all uses of NEVI Formula Program costs, use of funds for program administration are restricted to projects that are directly related to EV charging infrastructure that is open to the public<sup>29</sup> or to authorized commercial motor vehicle operators from more than one company.<sup>30</sup>

### **Workforce Development**

Workforce development activities for NEVI Formula Program projects are eligible so long as they are directly related to the charging of an electric vehicle. These costs must be allowable, allocable, and reasonable in accordance with 2 CFR part 200.

## **B. USE OF PROGRAM INCOME**

For purposes of program income or revenue earned from the operation of an EV charging station, the State DOT shall ensure that all revenues received from operation of the EV charging facility are used for only those items identified in [23 CFR 680.106\(m\)](#). Per [2 CFR 200.307](#), any income or revenue received during the period of performance (POP) shall be deducted from the total allowable costs of Federal funds used on the project to determine the net allowable costs, at the Federal share applied.

Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be

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<sup>29</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible.

<sup>30</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

used for title 23, United States Code, eligible projects.

Refer to [23 CFR 680.106\(m\)](#) for regulations on the use of program income.

## C. CONSIDERATIONS FOR THE STRATEGIC DEPLOYMENT OF EV CHARGING

### INFRASTRUCTURE BY STATES

This program guidance is specifically intended to assist States in developing their Plans for the strategic deployment of EV charging infrastructure with consideration given to nine specific areas as required by the BIL. Guidance for each of these specific considerations is provided below and organized under each applicable excerpt from the BIL.

States should develop their Plans under the NEVI Formula Program consistent with these considerations and with the overarching goal for construction, installation, or upgrade of EV charging infrastructure to be completed not later than six months from procurement. Any State seeking a discretionary exception should document those exceptions in the Plan (see Section III-B and “discretionary exception” section of the State Plan template).

(1) the distance between publicly available EV charging infrastructure

- EV charging infrastructure should be conveniently and safely located as close to Interstate Highway System and highway corridors as possible and in general no greater than 1 mile from interchange exits or highway intersections along designated corridors.
  - The 1 mile should be measured as the shortest driving distance from the Interstate Highway System exit or highway intersection to the proposed station at the time of the proposal. Stations on public lands in close proximity to the corridor (including Federal lands) may be prime siting locations and should be considered in a Plan.
  - Exceptions from the no greater than 1 mile from the Interstate Highway System or highway requirement may be made where there is no electrical service or business activity within 1 mile of the interchange exit or highway. States should work with the Joint Office during the development of their Plan to identify and attempt to resolve any exception requests. That exception process is explained in Section III-B.
- New EV charging infrastructure locations should be spaced a maximum distance of 50 miles apart along designated corridors (including planned stations and existing stations, with both conforming to [23 CFR 680](#)), unless a discretionary exception has been granted.
  - In initial planning and during the development of their Plans, States should also consider existing stations that substantially meet the minimum standards and requirements to be published in their spacing plans and work to upgrade and expand the capacity of these stations.
  - 50 miles should be measured as the distance between EV charging stations that meet “fully built out” requirements while traveling along AFCs in any logical direction

(2) connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage

- EV charging infrastructure should provide power for EV charging regardless of time of day or time of year in a manner that supports a robust and reliable network. Specifically, stations should be designed to:
  - Achieve a high-level of reliability (>97 percent required for each port as per [23 CFR 680.116\(b\)](#));
  - Mitigate adverse impacts to the electric grid;

- Maintain cost of charging at a price that is reasonable (for example, comparable to competitive market);
- Minimize demand charges or other fixed utility fees; and
- Provide high speed charging for travelers on the Interstate Highway System and AFCs.
- EV charging infrastructure design should include consideration of the following:
  - Equipment that connects EV charging stations to the electric grid must be directly related to the charging of a vehicle.
  - Accessibility.
  - Fire protection and other traffic safety features.
  - The inclusion of distributed renewable energy resources (e.g. solar arrays, energy storage) and electric distribution and switching equipment where practicable.
  - The use of station-level load management or smart charge management in a transparent manner that can encourage grid stability and reduce costs to EV charging station users.
  - Plan for futureproofing that allows expansion for growing demand and higher power levels.
- States should work with applicable federal, State and local permitting agencies to identify and streamline permitting processes for EV charging infrastructure installation, including energy storage and renewable energy generation, to support operations.
- States should also work with local utilities, transmission and distribution operators, and public utility commissions to identify and streamline the planning and approval of grid connections for EV charging infrastructure, including energy storage and renewable energy generation, to support operations.

(3) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to EV charging infrastructure acquired or funded under this paragraph in this Act

- States should consider locations at or immediately adjacent to land uses with publicly accessible restrooms, drinking water, appropriate lighting, and sheltered seating areas such as travel centers, food retailers, convenience stores, visitor centers on Federal lands, small businesses with an Americans with Disabilities Act (ADA) accessible pathway between the EV charging infrastructure and the front door of the identified establishment, and other comparable facilities.
- States should also consider design features that encourage safety through environmental design, such as requiring that chargers be visible to passersby and unobstructed from the view of the street by buildings, other utilities, or large landscaping features.

(4) the need for publicly available EV charging infrastructure in rural corridors and underserved or disadvantaged communities

- The distribution of EV charging infrastructure across a State should specifically target locations and benefits to rural areas, underserved and overburdened communities, and disadvantaged communities, including Tribal lands, through analysis of existing service to these areas in a State.
  - This includes:
    - Prioritizing access of EV charging infrastructure to serve rural, underserved and disadvantaged communities.
    - Identifying gaps in existing service and charging station availability to rural, underserved, and disadvantaged communities in the State.
    - Planning to distribute NEVI Formula Program funds to benefit rural, underserved, and disadvantaged communities in the State.
    - Targeting at least 40 percent of the benefits towards disadvantaged communities in accordance with Justice40.
    - Engaging stakeholders from rural, tribal, underserved, and disadvantaged communities.
  - For further guidance, see Section III-B in this document for a discussion of Equity considerations.

(5) the long-term operation and maintenance of publicly available EV charging infrastructure to avoid

stranded assets and protect the investment of public funds in that infrastructure

- EV charging infrastructure should be maintained in good working order and in compliance with all requirements under [23 CFR 680](#).
- EV charging infrastructure should be operated and maintained with a focus on public road safety, including, the provision of adequate lighting, fire protection, and other traffic safety features. Potential conflicts with non-motorized and public transportation travel in multi- modal corridors should be addressed through safe design and countermeasures.
- EV charging infrastructure should use charging network providers with demonstrated experience or capability for at least the entire 5-year in-service requirement with plans to keep the stations in service beyond the availability of NEVI Formula Program funds.
- Owners of NEVI Formula Program funded EV charging infrastructure should provide reasonable plans and guarantees for maintaining the chargers, related equipment, and overall charging locations in good working order.

(6) existing private, national, State, local, Tribal, and territorial government EV infrastructure programs and incentives

- Decisions about siting, construction, installation, operation, and maintenance should involve consultation with relevant stakeholders to coordinate existing EV charging infrastructure programs and incentives. The involvement of relevant private entities, Federal, State, local, Tribal and territorial governments will allow for the identification of opportunities for States to leverage the NEVI Formula Program funds in concert with other funding/deployment programs including those managed by other agencies.
- EV charging programs and grid management is often addressed by both State departments of transportation and/or State energy offices, so Plans under this program should be carefully coordinated across both groups.
- States should consult with entities including:
  - Metropolitan Planning Organizations and Regional Transportation Planning Organizations;
  - Counties and cities, including coordination with existing EV charging programs;
  - State departments of energy, including Clean Cities Coalitions<sup>31</sup>, as applicable
  - State environmental protection agencies;
  - State economic development agencies;
  - State public utility commissions;
  - State weights and measurement agencies;
  - State and Federal land management agencies;
  - State manufacturing extension partnerships;
  - State department of motor vehicles;
  - State department of commercial motor vehicles;
  - Responsible emergency/disaster preparedness functions in the State;
  - Tribal governments;
  - Electric utilities and transmission and distribution owners and regulators;
  - Electric vehicle service providers;
  - Public transportation agencies;
  - Port and freight authorities;
  - Community-based organizations, environmental justice and environmental protection organizations, small business associations, Chambers of Commerce; labor organizations, and private entities; and
  - Other appropriate parties.
- For further guidance, see Section III in this document for a discussion of Plans.

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<sup>31</sup> [Clean Cities Coalition Network: Clean Cities Coalition Locations \(energy.gov\)](#)

- (7) fostering enhanced, coordinated, public-private or private investment in EV charging infrastructure
  - The purpose of public funding is not to discourage private investment, but instead to catalyze additional private investment and supplement and fill gaps to provide a convenient, affordable, reliable, and equitable national EV charging network.
  - States are encouraged to develop programs with cost-share requirements or incentives to leverage private investment in EV charging and maximize the impact of NEVI Formula Program funding. Cost-share and incentive programs can be powerful tools for optimizing infrastructure deployment by providing States the opportunity to partner with existing EV infrastructure providers without bearing additional risk of upfront funding prior to deployment and diminishing the risk of half-built or stranded assets.
  - The involvement of relevant private sector and industry representatives throughout the development and deployment of the Plan should allow for the identification of EV charging market opportunities and challenges, along with potential solutions to address them. Coordinated planning across private and public investments is necessary to provide a seamless and convenient national network.
  - States should consult with entities including:
    - Private sector EV charging infrastructure owners and network operators;
    - Vehicle manufacturers;
    - Unions and other labor organizations;
    - Utilities;
    - Real estate industry groups;
    - Minority- and women-based organizations;
    - Freight industry groups;
    - Relevant environmental justice, equity, environmental protection, and other community advocacy organizations;
    - EV industry organizations and EV advocacy groups, as applicable;
    - Gas station owners and operators;
    - Taxicab commissions and ridesharing companies;
    - Emergency management and public safety agencies; and
    - Other appropriate parties.
  - For further guidance, see Section III in this document for a discussion of Plans.
- (8) meeting current and anticipated market demands for EV charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles
  - Stations should be designed to provide at least four Combined Charging System (CCS) ports capable of simultaneously charging four EVs. Station power capability should be no less than 600 kW (supporting at least 150 kW per port simultaneously across four ports) for charging.
  - Maximum charge power per DC port should not be below 150 kW and should consider design and construction practices that allow for 350kW or greater charging rates through future upgrades.
  - Power sharing across ports should be permitted so long as it does not reduce the maximum output per port below 150 kW. For stations with ports above 150kW, States should support station design that facilitate power sharing across ports.
  - Station designs should also consider the potential for future expansions needed to support the electrification and charging demands of medium- and heavy-duty trucks, including station size and power levels.
  - Stations should be designed to allow for future upgrades and updates to power levels and number of chargers, to the extent possible and within reason. The Joint Office will publish best practices for EV charging infrastructure construction that will seek to allow flexibility in future upgrades.
  - After a State has determined, and the Secretary of Transportation has certified, that the State's designated AFCs for electric vehicles are fully built out, that State will have additional flexibility to

determine the type and location of any additional EV charging infrastructure installed, operated, and maintained under NEVI Formula Program. See Section V-C for information about Fully Built Out Certification.

(9) any other factors, as determined by the Secretary

- Consumer Protection: States should consider how they will safeguard purchasers of goods and services against defective products, excessive costs, and deceptive or fraudulent business practices.
- Cybersecurity: States should consider cybersecurity needs of the electrical grid, station, vehicles, and customers using EV charging infrastructure.
- Emergency Evacuation Plans: States should consider emergency and evacuation needs, including how they will support overall emergency evacuation plans along roadways. Plans should also account for growing number of EVs using designated evacuation routes.
- Environmental siting/permitting considerations: During site selection, States should consider locations within a previously disturbed or developed area. In most instances, EV charging station are eligible for a categorical exclusion under the National Environmental Policy Act (NEPA). States should consider the appropriate level of review under NEPA and other environmental laws, regulations, and Executive Orders (see sub-bullets below) including, but not limited to, the Clean Water Act, National Historic Preservation Act, Section 4(f), and Executive Orders 12898, 14096, 11988, and 13690.
  - Developing the Plan will qualify for an environmental categorical exclusion (CE) under 23 CFR 771.117(c)(1) as an activity that does not lead directly to construction. The installation of EV charging infrastructure is a separate activity(s) that will require its own environmental approval.
  - As installation of EV charging infrastructure is generally the type of action that would not be expected to result in significant environmental impacts, several CEs may be applicable including those found at 23 CFR 771.117(c)(2, 19, 22, and 23) and (d), depending on the scope of the action and the CE's conditions. We encourage states to rely on their programmatic CE agreements, when applicable, to accelerate the delivery of these projects.
  - Before a CE determination can be applied to an action, the action must be analyzed to determine whether there are unusual circumstances present that would require further analysis to determine whether the CE classification is appropriate (see 23 CFR 771.117(a-b)).
  - An exemption to Section 106 of the National Historic Preservation Act<sup>32</sup> was published on November 2, 2022 releasing all federal agencies from the Section 106 requirement to consider the effects of their undertakings involving the installation and placement of electric vehicle supply equipment, provided specific conditions outlined in the exemption are met. The Lead Federal Agency makes the determination as to whether the Section 106 exemption applies. A project sponsor should review the conditions outlined in the exemption and coordinate with the Lead Federal Agency. The standard Section 106 consultation process can be followed in the event that the exemption is determined not applicable.
- States should also consider how they will complete permitting and environmental review processes to support operations within six months of obligating funds. For example, additional efficiencies can be achieved when multiple EV charging infrastructure projects are planned within a particular geographic area or under similar circumstance. In such cases, programmatic analyses can be used to analyze the common effects associated with a suite of projects in order to avoid having to perform analysis of those effects in each unique case and to streamline documentation.
- We encourage the State DOTs to use their existing CE checklists to help identify if an EV charging station project qualifies for a CE. There are other web-based tools such as [NEPAssist](#)

<sup>32</sup> [About the Exemption Regarding Historic Preservation Review Process for Undertakings Involving Electric Vehicle Supply Equipment \(EVSE\) | Advisory Council on Historic Preservation \(achp.gov\)](#)

that can help with initial screening of potential impacts. Resilience: States should consider the potential impacts of climate change and extreme weather events, including through the use of currently available USDOT tools and resources to assess the vulnerability and risk of planned and existing EV charging stations and the development, deployment, and monitoring of resilience solutions. States should also consider the location of existing and proposed EV charging infrastructure with respect to the Federal Flood Risk Management Standard, as well as how climate change may affect the floodplain, and construct EV charging infrastructure consistent with the Federal Flood Risk Management Standard, to the extent consistent with law. States should consider opportunities to add redundancy and improve the overall resilience of the national network of EV charging stations.

- Terrain: States should consider geographic terrain and snow removal and other seasonal needs.
- Other factors may be addressed in future guidance.

## **D. MINIMUM STANDARDS AND REQUIREMENTS FOR PROJECTS IMPLEMENTED UNDER THE NEVI FORMULA PROGRAM**

All applicable requirements under chapter 1 of title 23, United States Code, and 2 CFR part 200 apply to the administration of these funds. Regulations for compliance with minimum standards and requirements for EV charging infrastructure are contained in [23 CFR 680](#).

## **V. PROGRAM ADMINISTRATION**

### **A. TRACKING NEVI FORMULA PROGRAM FUNDS**

The FHWA's Chief Financial Officer has established program codes in the Fiscal Management Information System (FMIS) to track State investments of NEVI Formula Program funds. States shall accurately reflect these NEVI Formula Program obligations as they record project data in the FMIS. In addition, projects funded under the NEVI Formula Program should utilize FMIS improvement type 63.

### **B. DATA SHARING**

As of March 30, 2023, States should refer to [23 CFR 680](#) which regulates the minimum standards and requirements for projects funded under the National Electric Vehicle Infrastructure (NEVI) Formula Program. Data sharing requirements are contained within three sections of [23 CFR 680](#), including Section 680.106(a) *Procurement process transparency for the operation of EV charging stations*, Section 680.112 *Data Submittal*, and Section 680.116(c) *Third-party data sharing*. States are required to ensure that this data is submitted or made available to the public as described in [23 CFR 680](#) whether directly or via their subrecipients and/or contractors.

To facilitate the standardization and collection of the data submittals required under [23 CFR 680.112](#), the Joint Office is establishing a data platform where the data must be submitted. To assist users in submitting data, the JO will publish a data input template and a data dictionary that will define the data attributes and structure as well as user manuals that will inform how to format the data and assist users in submitting the required data. Information about the data platform and the supporting documents will be found on [DriveElectric.gov](#).

### **C. BUILD OUT CERTIFICATION**

A primary objective of the NEVI Formula Program is to establish a national network for EV charging.

Initially, funding under this program is directed to designated AFCs towards this objective.

Until FHWA certifies that a State's AFC network is fully built out, NEVI Formula Program funding for construction purposes shall only be used along designated AFCs to construct new EV charging infrastructure and to upgrade existing EV charging infrastructure. As of the publication of this guidance, no State has yet been certified as fully built out.

#### Fully Built Out Criteria

In a State that is fully built out, every designated AFC for EV charging must meet the following criteria:

1. Stations are spaced along all designated EV AFCs at a maximum distance of 50 miles apart and within 1 mile of the designated roadway, except where exceptions have been granted. (See Section III-B for information about discretionary exceptions). All creditable stations must:
  - o be publicly accessible<sup>33</sup>
  - o include at least four 150kW Direct Current Fast Chargers with CCS ports
  - o be capable of simultaneously charging four EVs at 150kW or above at each port, with a minimum station power capability at or above 600kW
  - o meet the minimum standards and requirements as described in [23 CFR 680.104](#), [23 CFR 106\(b\)](#), [23 CFR 680.106\(c\)](#), [23 CFR 680.106\(d\)](#), [23 CFR 680.106\(e\)](#), [23 CFR 680.106\(f\)](#), [23 CFR 680.106\(g\)](#), [23 CFR 680.106\(h\)](#), [23 CFR 680.106\(i\)](#), [23 CFR 680.106\(k\)](#), [23 CFR 680.106\(l\)](#), [23 CFR 680.108](#), [23 CFR 680.110](#), [23 CFR 680.114](#), and [23 CFR 680.116](#)
2. Any point along the corridor must be connected via an AFC to a station in each logical direction so that the gap is no more than 50 miles.
3. All creditable stations are operational. While working to fully build out AFCs, States are encouraged to engage communities to begin planning activities beyond their AFCs.
4. All corridor termini must have a station located within 25 miles.
  - o If the continuation of the corridor is not designated as an AFC by the adjacent state, then this corridor should be considered a terminus at the state border (e.g. there must be a station located within 25 miles of the state border.)
  - o If a designated corridor extends beyond a state's border into an adjacent state, the 50-mile spacing must be maintained along the designated corridor (e.g. one state may have a station greater than 25 miles from their border if the adjacent state has a station along that same corridor less than 25 miles from their border in a manner that maintains the overall 50-mile spacing). If a designated corridor changes names or highway designation along the corridor, this is not considered a corridor terminus.

#### Fully Built Out Certification Process

In order to have a determination reviewed by FHWA and the Joint Office, States should submit a letter determining their status as fully built out with accompanying maps, tables, and data:

- An overall map of the State highlighting that all designated AFC corridors meet the fully built out criteria.
- Maps of individual designated AFC corridors showing the location of each station and the distance between stations and from the corridor
- A table identifying each station as identified on the corresponding maps. The table should detail and verify all of the information needed to make a fully built out determination (see "Fully Built

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<sup>33</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible.

Out Criteria” preceding). The Joint Office will be available to provide technical assistance to States, however certification rests with FHWA.

- Optionally, States may submit accompanying Geographic Information Systems (GIS) data to include both the designated corridors and the station information

States are encouraged to submit for certification at the same time as their annual Plan submissions.

#### **Flexibility after Build Out Certification**

“If a State determines, and FHWA certifies<sup>34</sup>, that the designated AFCs for electric vehicles in the States are fully built out, then the State may use funds provided under the NEVI Formula Program for EV charging infrastructure on any public road or in other publicly accessible locations that are open to the general public or to authorized commercial motor vehicle operators from more than one company.”

- Publicly accessible locations may include public parking facilities, parking at public buildings, public transportation stations, Park-and-Rides, public schools, public parks, private parking facilities available for public use, and visitor centers and other public locations on Federal Lands.
- If the Secretary certifies a State’s determination that its AFCs for electric vehicles are fully built out, that certification will apply to obligation of all remaining NEVI Formula Program funding authorized through FY 2026. This certification should not be construed as implying that additional State, local, or private sector investment is not necessary or encouraged.
- Stations do not need to be funded by the NEVI Formula Program to be counted towards a fully built out determination, but they must meet the “Fully Built Out Criteria” identified in this section.
- All 1-mile and 50-mile exception requests are considered permanent with a fully built out certification.

## **VI. TECHNICAL ASSISTANCE/TOOLS**

The Joint Office plays an important role by providing direct technical assistance and support to States as they pursue the implementation of their EV Infrastructure Deployment Plans and has continued to coordinate closely with FHWA Division Offices and FHWA headquarters program offices to provide technical and program-related answers and guidance to the states on a variety of areas and topics.

Additionally, after a State has determined, and the Secretary of Transportation has certified, that the State’s designated Alternative Fuel Corridors for electric vehicles are fully built out, the State will have additional flexibility to determine the type and location of any additional EV charging infrastructure installed, operated, and maintained under NEVI Formula Program. This will provide an opportunity to expand the Joint Office’s technical assistance and support to communities and tribal nations in adopting and expanding EV charging to ensure that they have convenient and affordable access to riding and driving electric.

Recognizing that States and local governments may be at different stages in their EV charging infrastructure development, the Joint Office will provide technical assistance to States as they achieve a convenient, affordable, reliable, and equitable national network of EV chargers, regardless of where they are in the electric charging deployment process.

As part of a suite of technical assistance resources, the Joint Office connects stakeholders with technical information, lessons learned, tools and critical data. These resources, developed by USDOE,

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<sup>34</sup> As delegated by the Secretary of Transportation

USDOT, national laboratories, and other key partners, will expand over time to help transportation stakeholders deploy electric vehicle (EV) charging infrastructure. These resources can be found on the Joint Office's [driveelectric.gov](http://driveelectric.gov) website:

- [Technical Assistance](#)
- [States & Communities](#)
- [Tribal Nations](#)
- [Modeling, Equity and Climate Impact Tools](#)
- [Contacting the Joint Office](#)

## VII. ADDITIONAL INFORMATION

If you have questions about this program guidance, please contact Diane Turchetta ([Diane.Turchetta@dot.gov](mailto:Diane.Turchetta@dot.gov)), Will Stein ([William.Stein@dot.gov](mailto:William.Stein@dot.gov)) or Suraiya Motsinger ([Suraiya.Motsinger@dot.gov](mailto:Suraiya.Motsinger@dot.gov)).

For additional guidance on other Bipartisan Infrastructure Law and Federal-aid Highway Programs, please see [FHWA's Bipartisan Infrastructure Law website](#)

# State Plan/State Plan Update for Electric Vehicle (EV) Infrastructure Deployment [TEMPLATE]

[Note that in order to receive NEVI Formula Program funds each State is required to annually develop an FHWA-approved EV Infrastructure Deployment Plan (Plan) that describes how the State intends to use the funds in accordance with the NEVI Formula Program Guidance and the National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680). FHWA recognizes that certain sections of the Plan may not change from year to year. As such, beginning with the FY 2024 Plan (due on August 1, 2023), State DOTs are permitted to annually submit an updated Plan that incorporates and identifies relevant additions and modifications made since the prior year's Plan approval.]

States are encouraged to satisfy the annual plan submission requirement by submitting a more streamlined Plan update, to the extent practicable. However, if changes have been made corresponding to a particular section of the prior year's Plan, the State DOT should clearly identify what has changed. Refer to Section III-B of the Program Guidance for additional details on each section below.

States are highly encouraged to use this template to develop their updated Plans, noting that FHWA would expect specific updates both to those sections marked "REQUIRED" and to those other sections where the State has noted a need to update/change content from the prior year's approved Plan.]

## Introduction

<Insert an overview of updates to the Plan and Plan development process.>

### Updates from Prior Plan [REQUIRED - Updated 6/2/23]

<Insert a bulleted list identifying which sections of the Plan have been updated from the prior fiscal year's Plan, along with a brief synopsis of the nature of the update>

## State Agency Coordination

<Insert updates to discussion of how the State has coordinated with other State agencies in developing and approving the Plan consistent with the NEVI Formula Program Guidance, and steps taken to maximize opportunities to utilize U.S.-made EV supply equipment.>

### Memoranda of Understanding with other agencies [Updated 6/2/23]

<Identify and discuss any memoranda of understanding (MOUs) entered into with another State agency to help administer the NEVI Program.>

### Interagency Working Group(s) [Updated 6/2/23]

<Identify and discuss interagency working groups that have been established.>

## **Public Engagement [Updated 6/2/23]**

< This section should discuss the statewide public engagement on EV charging infrastructure. Insert updates to overview of public involvement in the Plan's development to include general public, governmental entities, federally recognized Tribes, labor organizations, private sector/industry representatives of the transportation and freight logistics industries, state public transportation agencies, and urban, rural, and underserved or disadvantaged communities.>

### **Community Engagement Outcomes Report [REQUIRED - Updated 6/2/23]**

<Per 23 CFR 680.112 (d), include a community engagement outcomes report and include a description of the community engagement activities conducted as part of the development and approval of the most recently-approved Plan, including engagement with disadvantaged communities.>

### **Tribal Engagement [Updated 6/2/23]**

<Include information regarding engagement with Tribal communities. This information should identify the tribal entities or types of communities engaged, the number and type of events in which each tribal entity was engaged, the resources used to engage with tribes, the feedback received and links to any posted summaries of feedback, and a summary of how feedback impacted the development of the Plan.>

### **Utility Engagement [Updated 6/2/23]**

<Include information regarding engagement with utilities. Identify the utilities in the State and the territories they serve. Identify any steps taken to continue engagement of utilities and to incorporate this engagement into meaningful steps towards successful deployment of EV chargers.>

### **Site-Specific Public Engagement [Updated 6/2/23]**

<Include information regarding site-specific engagement plans to engage communities or ensure that third-party entities contracted to install EV charging infrastructure will engage communities in the locations where EV charging infrastructure will be sited.>

## **Plan Vision and Goals**

<Insert updates to the State's vision to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection and support the development of convenient, accessible, reliable, and equitable EV charging. Provide an enumerated list of goals that supports the establishment of an interconnected network that will facilitate: 1) data collection; 2) equitable access; and 3) network reliability. Plan vision and goals should provide an outlook for the 5-year program and beyond with at least one outcome-oriented goal with a quantified target. States are also encouraged to discuss their strategy for utilizing NEVI funds once EV alternative fuel corridors are certified as "fully built out".>

## **Contracting**

<Insert updates to discussion of the State's plans for contracting with private entities, including plans for the participation of small businesses. Discuss how the State will ensure that EV charging infrastructure is delivered in a manner that leads to efficient and effective deployment against broader Plan goals. Also discuss the State's contracting strategy for achieving efficient delivery of ongoing operations and maintenance activities during and after the period of the award. Finally, this section should identify how the State will ensure that contractors will engage communities where EV charging infrastructure will be

installed.>

### **Status of Contracting Process [REQUIRED - Updated 6/2/23]**

< Include the number, status, and timeline for existing and upcoming State Request for Proposals (RFPs), Request for Qualifications (RFQs), or Contract Awards.>

### **Awarded Contracts [REQUIRED - Updated 6/2/23]**

< Identify the number and status of contracts awarded and include the type of contract mechanism used (public-private partnership design-build-operate-maintain, design-build, indefinite delivery/indefinite quantity, or others). States should identify RFP/contract provisions utilized/to be utilized to promote competitive bids and cost containment.>

### **Scoring Methodologies Utilized [REQUIRED - Updated 6/2/23]**

< Identify scoring methodology used to evaluate contracts including specifically if contracts used scoring methods for equity and Justice40 topics.>

### **Plan for Compliance with Federal Requirements [REQUIRED - Updated 6/2/23]**

<Identify how State is ensuring contractors comply with 23 U.S.C., 23 CFR 680, and all applicable requirements under 2 CFR 200.>

## **Civil Rights [Updated 6/2/23]**

<Insert updates to discussion here about how the State will ensure compliance with State and Federal civil rights laws, including Title VI of the Civil Rights Act and accompanying USDOT regulations, the American with Disabilities Act, and Section 504 of the Rehabilitation Act. States should indicate changes in civil rights compliance considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#)>

## **Existing and Future Conditions Analysis**

<Insert updates to overview here. This section should introduce the State's geography, terrain, and climate (to include current and future temperature and precipitation patterns). This section should also include a discussion of industry/market conditions (to include EV ownership/availability, grid capacity, electric utilities that service the study area) and land use patterns. This section should also discuss travel patterns in the State, public transportation needs, freight and other supply chain needs. This section should also include a discussion on known risks and challenges for EV deployment.>

### **Alternative Fuel Corridor (AFC) Designations [REQUIRED - Updated 6/2/23]**

<Insert general discussion about AFC EV corridor networks here. Include specifically nominations and/or designations from the most recent round of AFC Nominations, if applicable.>

<INSERT MAP OF STATE WITH AFCs >

### **Existing Charging Stations [REQUIRED - Updated 6/2/23]**

<Include descriptions of existing locations of charging infrastructure along designated AFCs here.>

Include an “as of” date that the table is populated.

State EV Charging Location Unique ID*	Charger Level (DCFC, L2)	Route	Location (street address)	Number of Charging Ports	EV Network (if known)	Meets all relevant requirements in 23 CFR 680?	Intent to count towards Fully Built Out determination?

\*Defined by the State – this should match the unique ID in the State’s applicable GIS databases.

Note that the table can be included in the Appendix, if too lengthy to include here.

<INSERT MAP OF STATE WITH AFC & EXISTING PUBLIC DCFCLOCATIONS>

## EV Charging Infrastructure Deployment [REQUIRED - Updated 6/2/23]

<Insert updates to overview here. This section should discuss the overarching strategy for EV charging infrastructure installations and associated policies to meet the vision and goals of the Plan. This section should include a discussion on the sources of funding for the non-federal share to match the NEVI Formula Program funds, as well as other funding sources used for EV supply equipment (EVSE) deployment in the State. This section should also discuss policy considerations/coordination to include zoning, permitting, or education policy.>

### Planned Charging Stations [REQUIRED - Updated 6/2/23]

<Include a discussion of how the State intends to use their NEVI funding for deployment of EVSE. This discussion should include details about both stations under construction and future stations. Information about stations under construction should identify characteristics of those stations under construction at the time of Plan update approval. Information provided about future stations should illustrate characteristics about those stations that are anticipated to go under construction after Plan update approval. Tables and maps should be used to illustrate characteristics describing each station. These station characteristics should include, at a minimum: the general anticipated location of the charging stations, the anticipated number of ports at each charging station, and the anticipated year that each station will be operational.>

#### Stations Under Construction

State EV Charging Location Unique ID	Route (note if AFC)	Location (street address, if known)	Number of Ports	Estimated Year Operational	Estimated Cost	NEVI Funding Sources (Choose No NEVI, FY22/FY23,	New Location or Upgrade?

						FY24, FY25, FY26, or FY27+)	

## Planned Stations

State EV Charging Location Unique ID	Route (note if AFC)	Location (street address, if known)	Number of Ports	Estimated Year Operational	Estimated Cost	NEVI Funding Sources (Choose No NEVI, FY22/FY23, FY24, FY25, FY26, or FY27+)	New Location or Upgrade?

< INSERT MAP(S) OF FY22'S EVSE DEPLOYMENTS/UPGRADES  
SHOWING:

- (1) Approximate locations of planned EV charging infrastructure;
- (2) Approximate locations of existing EV charging infrastructure along those corridors, specifically noting existing EV charging infrastructure targeted for upgrade or improvement to meet the requirements of the NEVI programs;>

### Planning Towards a Fully Built Out Determination [REQUIRED - Updated 6/2/23]

< Insert a discussion describing the State's strategy towards reaching a fully built out determination (see Section V-C of the NEVI Formula Program Guidance). This section should indicate how many additional stations (those stations that are not operational at the time of plan approval) the State estimates are needed to reach fully built out status. This section should also indicate the estimated timeframe when a State anticipates it will reach fully built out status.>

### Implementation [Updated 6/2/23]

<Insert updates to discussion here. This section should include a discussion of the overall strategy to ensure ongoing operations and maintenance of EV charging infrastructure and data collection and sharing requirements. This section should identify installation, maintenance, and ownership responsibilities for the charging infrastructure. This section should also demonstrate how the implementation will promote strong labor, safety, training, and installation standards as well as opportunities for the participation of small businesses. This section should also address emergency and evacuation needs, snow removal and seasonal needs, and ways for EV charging to support those needs and describe strategies for resilience for operation during emergencies and extreme weather. States should indicate changes in implementation considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).>

## Equity Considerations [REQUIRED - Updated 6/2/23]

<Include updates to a discussion of how the State is adhering to the goal outlined in the Justice40 Initiative as a part of Executive Order 14008 in the use of the NEVI Formula Program. Discuss how the plan complies with the White House Interim Guidance on Justice40. (See Section III-B of the NEVI Formula Program Guidance, Equity Considerations for example benefits)>

### Identification and Outreach to Disadvantaged Communities (DACs) in the State [REQUIRED - Updated 6/2/23]

<Insert discussion here.>

### Process to Identify, Quantify, and Measure Benefits to DACs [REQUIRED - Updated 6/2/23]

<Insert discussion of which benefits will be measured, what metric will be used to measure those benefits, and the data sources and analysis methods used to track metrics. Also describe how a baseline and goals may be set for each benefit area, and how communities will be engaged to validate the receipt of benefits. Refer to White House Interim Guidance on Justice40 for examples on measuring benefits to DACs. For mapping benefits to DACs, refer to Argonne National Laboratory's page Electric Vehicle Charging Equity Considerations and the Electric Vehicle Charging Justice40 Map tool.>

Benefits Category (examples)	Strategy for Tracking Benefits (Metrics, Baseline, Goals, Data Collection & Analysis Approach, Community Validation)
Improve clean transportation access through the location of chargers;	
Decrease the transportation energy cost burden by enabling reliable access to affordable charging;	
Reduce environmental exposures to transportation emissions;	
Increase parity in clean energy technology access and adoption;	
Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers;	
Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities; Increase energy resilience;	
Provide charging infrastructure for transit and shared-ride vehicles;	
Increase equitable access to the electric grid; and	
Minimize gentrification-induced	

displacement result from new EV charging infrastructure.	
Others	

## **Labor and Workforce Considerations [REQUIRED - Updated 6/2/23]**

<Insert updates to discussion of how the State will approach training, experience level, and diversity of the workforce installing and maintaining EV charging infrastructure. At a minimum, this should include a discussion of how the State will ensure that the workforce installing, maintaining, and operating chargers has appropriate licenses, certifications and trainings in compliance with [23 CFR 680.106\(j\)](#). Plans should also discuss how these qualified workforce requirements are enforced through the State's NEVI contracting and procurement strategies.>

## **Physical Security & Cybersecurity [Updated 6/2/23]**

<Insert updates to discussion of how the State will address physical security and cybersecurity of EV charging stations, including a discussion of changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).>

## **Program Evaluation [REQUIRED - Updated 6/2/23]**

<Include updates to a summary of how the State will monitor and report progress of the overall statewide Electric Vehicle AFC network and update this plan annually to address opportunities for improvement. If applicable, this section should provide a summary and assessment of the performance of EV chargers based on data submitted to the Joint Office in compliance with [23 CFR 680.112](#) (see Section V-B in the NEVI Formula Program Guidance for more information).>

## **Discretionary Exceptions [if any]**

<Identify and support the need for any requested exceptions, if applicable, from the geographic requirements that charging infrastructure is installed every 50 miles along that State's designated electric vehicle alternative fueling corridors and within 1 travel mile of the corridor.>

## **Appendix A: Supporting Materials [if applicable]**



# Memorandum

Subject: INFORMATION: National Electric Vehicle Infrastructure Formula Program Guidance (Update)

Date: June 11, 2024

From: Emily Biondi *Emily Biondi*  
Associate Administrator for Planning,  
Environment, and Realty

Refer To:  
HEPN1

To: Division Administrators

The purpose of this memorandum is to provide updates to the National Electric Vehicle Infrastructure (NEVI) Formula Program Guidance. The attached guidance supersedes the guidance that was issued on June 2, 2023. Key changes include: 1) an accompanying streamlined template to emphasize consistency with previously approved plans, while allowing space to update plans as appropriate, 2) requested information regarding plans and priorities for the time period after corridors are deemed fully built out, and 3) requested information for States to demonstrate meaningful progress in implementing their previously approved plans. Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

On November 15, 2021, the President signed into law the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, which established the NEVI Formula Program. The program was authorized under paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL. On February 10, 2022, the Federal Highway Administration (FHWA) issued initial NEVI Formula Program Guidance providing background information, funding eligibilities, and program guidance for implementation of these historic investments in electric vehicle (EV) charging infrastructure that will help build a convenient, affordable, reliable, and equitable national network of EV chargers.

Under the NEVI Formula Program, each State is required to submit an EV Infrastructure Deployment Plan (Plan) on an annual basis that describes how the State intends to use its apportioned NEVI Formula Program funds in accordance with this guidance. No NEVI Formula Program funds for a fiscal year shall be obligated by a State until FHWA approves that State's updated Plan for such fiscal year, although staffing and other activities related to the development of a Plan will be eligible for reimbursement (in accordance with 2 CFR Part 200) utilizing previous fiscal year funding or advance construction.

For fiscal year 2025, in order to receive funds in a timely manner, plans must be submitted to the Joint Office of Energy and Transportation (Joint Office) not later than September 1, 2024.

States also must comply with the National Electric Vehicle Infrastructure Standards and

Requirements, title 23 of the Code of Federal Regulations (CFR) 680, effective March 30, 2023. These Standards specify technical aspects of chargers, including connector types, power levels, minimum number of charging ports per station, minimum uptime (reliability standards), and payment methods; data submittal requirements; workforce requirements for installation, operation, or maintenance by qualified technicians; interoperability of EV charging infrastructure; traffic control devices and signage; network connectivity; and publicly available information.

The Joint Office continues to play a key role in the implementation of the NEVI Formula Program. Much like the formalized partnership between the U.S. Departments of Transportation and Energy, FHWA Division Offices should encourage State departments of transportation to coordinate directly with their State energy agencies in the development and update of Plans and in implementation of the NEVI Formula Program. The Joint Office will provide direct technical assistance to States and FHWA Division offices to update their Plans. Such requests for technical assistance should be directed to the Joint Office technical assistance lead for each NEVI funding recipient.

Unless noted in this guidance, the NEVI Formula Program shall be administered as if apportioned under chapter 1 of Title 23, United States Code (U.S.C.). As such, program administration questions regarding the implementation of the NEVI Formula Program, such as those regarding eligibility, financial management, non-Federal share, contracting and procurement, or other Title 23 requirements, should be directed to FHWA.

Attachment:

National Electric Vehicle Infrastructure Formula Program Guidance

# National Electric Vehicle Infrastructure Formula Program

**Bipartisan Infrastructure Law  
Program Guidance  
Federal Highway Administration  
June 11, 2024**

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

## **OVERVIEW**

### **I. NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI) FORMULA PROGRAM**

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- A. Authorization Levels
- B. NEVI Formula Program
- C. Federal Share and State/Local Match Requirements
- D. Specific Funding Requirements

#### **III. STATE EV INFRASTRUCTURE DEPLOYMENT PLANS**

- A. Plan Requirements and Deadlines
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- B. Considerations for the Strategic Deployment of EV Charging Infrastructure by States
- C. Minimum Standards and Requirements for Projects Implemented under the NEVI Formula Program

#### **V. PROGRAM ADMINISTRATION**

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- A. Existing Station Location Data
- B. Relevant Network and Environmental Data
- C. Relevant Modeling Tools
- D. Relevant Equity and Climate Impact Tools

## OVERVIEW

This guidance provides updates and changes to the National Electric Vehicle Infrastructure (NEVI) Formula Program guidance issued on June 2, 2023. This guidance supersedes the June 2, 2023, guidance. This guidance provides information on expectations for updated State EV Infrastructure Deployment Plans (Plans), funding eligibilities, and program administration guidance for the historic investments in Electric Vehicle<sup>1</sup> (EV) charging infrastructure made in the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58 (Nov. 15, 2021).

The BIL makes the most transformative investment in EV charging in United States (U.S.) history that will accelerate progress towards a convenient, affordable, reliable, and equitable national network of EV chargers.<sup>2</sup> This national network will:

- Accelerate equitable adoption of EVs, including for those who cannot reliably charge at home.
- Reduce transportation-related greenhouse gas emissions and help put the U.S. on a path to net-zero emissions by no later than 2050.
- Position U.S. industries to lead global transportation electrification efforts and help create family-sustaining union jobs that cannot be outsourced.

The BIL includes a total of up to \$7.5 billion in dedicated funding to help make EV chargers accessible to all Americans for local to long-distance trips. That \$7.5 billion is comprised of a \$5 billion formula program and a \$2.5 billion discretionary grant program:

1. **NEVI Formula Program.** The \$5 billion NEVI Formula Program will provide dedicated funding to States to strategically deploy EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Initially, funding under this program is directed to designated Alternative Fuel Corridors (AFCs)<sup>3</sup> for electric vehicles to build out this national network, particularly along the Interstate Highway System. When the national network is fully built out, funding may be used on any public road or in other publicly accessible locations.
  - a. **NEVI Ten Percent Set-Aside.** The BIL annually sets aside 10 percent of the NEVI Formula Program for the Secretary of Transportation “to make grants to States and localities that require additional assistance to strategically deploy electric vehicle charging infrastructure.”<sup>4</sup> The first round of funding made available in this set-aside from the NEVI program was for the Electric Vehicle Charger Reliability and Accessibility Accelerator to focus on repairing or replacing broken or non-operational EV chargers to improve the reliability of existing EV charging infrastructure. The second round of this funding is provided through Round 2 of the Charging and Fueling Infrastructure Discretionary Grant Program (see below).
2. **Charging and Fueling Infrastructure Discretionary Grant Program.**<sup>5</sup> The \$2.5 billion discretionary grant program, which was first announced on March 14, 2023, is further divided

<sup>1</sup> All-electric vehicles (EVs), also referred to as battery electric vehicles, use a battery pack to store the electrical energy that powers the motor. EV batteries are charged by plugging the vehicle in to an electric power source. For the purposes of this guidance, EVs include passenger cars and light trucks, unless otherwise noted.

<sup>2</sup> More information describing electric vehicle infrastructure can be found at: [Alternative Fuels Data Center: Developing Infrastructure to Charge Electric Vehicles \(energy.gov\)](https://www.energy.gov/eere/alternative-fuels-data-center/developing-infrastructure-charge-electric-vehicles-energy-gov)

<sup>3</sup> National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors (23 U.S.C. § 151(a)-(e)).

<sup>4</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL

<sup>5</sup> National Electric Vehicle Charging and Hydrogen, Propane, and Natural Gas Fueling Corridors (23 U.S.C. § 151(f)).

into two distinct \$1.25 billion grant programs to support EV charger deployment. These discretionary grant programs will ensure charger deployment meets the Biden-Harris Administration priorities such as supporting rural charging, building resilient infrastructure, climate change, and increasing EV charging access in underserved and overburdened communities (“disadvantaged communities”):

- **Corridor Grant Program.** This program will strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure along designated AFCs.
- **Community Grant Program.** This program will strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure in communities.

This program guidance is focused specifically on the NEVI Formula Program.

The BIL requires the Secretary of Transportation to establish a deadline by which States shall develop and submit a State EV Infrastructure Deployment Plan (Plan) that describes how the State intends to use its apportioned NEVI Formula Program funds in accordance with this guidance.<sup>6</sup> All 52 initial Plans were submitted to the Joint Office of Energy and Transportation (Joint Office) by the established due date of August 1, 2022. The Federal Highway Administration (FHWA) reviewed and approved the initial Plans by September 27, 2022.

Updated fiscal year 2025 plans must be submitted by September 1, 2024, to receive funding in a timely manner. While each State DOT must annually submit a Plan to the Joint Office describing how that State DOT intends to use funds distributed under the NEVI Formula Program, FHWA recognizes that certain sections of the Plan may not change from year to year. As such, State DOTs are permitted to annually submit an updated Plan that incorporates and identifies relevant additions and modifications made since the prior year’s Plan approval. States are strongly encouraged to satisfy the annual Plan submission requirement by submitting a more streamlined Plan update, to the extent practicable. However, if changes have been made corresponding to a particular section of the prior year’s Plan, the State DOT should clearly identify what has changed. The template corresponding to this Guidance was developed to guide streamlined Plan updates.

No State may obligate its apportioned NEVI Formula Funds for EV charging infrastructure projects for a particular fiscal year until that State’s updated Plan has been submitted<sup>7</sup> to the Joint Office and approved by FHWA. Staffing and development of the Plan will be eligible for reimbursement (in accordance with 2 CFR Part 200) using prior year funding or under advance construction. See Section III, below, for additional information about the State EV Infrastructure Deployment Plans.

Because NEVI Formula Program funds are directed to designated AFCs to build out a convenient, affordable, reliable, and equitable public charging network until a State’s corridors have been deemed by the Secretary to be “fully built out,” States should first prioritize investments along the Interstate Highway System. States should review their designated AFCs and consider designating additional corridors, particularly any undesignated interstates, as part of the upcoming round of Request for Nominations for

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<sup>6</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL, states that “a State shall provide a plan to the Secretary, in such a form and such a manner that the Secretary requires.”

<sup>7</sup> The development of the Plans is an eligible expense as a direct cost for use of the NEVI Formula Program funds.

AFCs.<sup>8</sup>

These programs will support the Justice40<sup>9</sup> Initiative which establishes a goal that at least 40 percent of the benefits of Federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities. This does not mean, however, that 40 percent of all charging infrastructure funded under this program must be located in disadvantaged communities. See Section VI for additional information.

This guidance has been developed by FHWA in coordination with the Joint Office and is intended to provide general guidance to FHWA Division Administrators and State departments of transportation (DOTs) related to implementation of the NEVI Formula Program. The FHWA and Joint Office have worked closely together to implement the NEVI BIL provisions. State DOTs should coordinate closely with their State energy and environmental departments, among others, on the implementation of the NEVI Formula Program and to develop their State EV Infrastructure Deployment Plans. See Section III-B for additional information about this consultation.

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<sup>8</sup> For additional information about the latest round of Request for Nominations for Alternative Fuel Corridors, please see: [Alternative Fuel Corridors - Environment - FHWA \(dot.gov\)](#)

<sup>9</sup> Office of Management and Budget (OMB), “Interim Implementation Guidance for the Justice40 Initiative,” M-21-28 (July 20, 2021) available at [M-21-28 \(whitehouse.gov\)](#).

## I. NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI) FORMULA PROGRAM

The NEVI Formula Program is authorized under paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL, which was signed into law on November 15, 2021.

The purpose of the NEVI Formula Program is to “provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.”<sup>10</sup> To be effective, the EV charging infrastructure deployed under this program should provide a seamless customer experience for all users through a convenient, affordable, reliable, and equitable national EV charging network.

The State EV Infrastructure Deployment Plans created and updated under the NEVI Formula Program are the building blocks that will facilitate this national EV charging network. This national EV charging network will provide EV users with the confidence that they can travel long distances and expect reliable access to EV charging stations when needed, while also recognizing the unique needs of different regions and communities.

The BIL required FHWA to develop a set of minimum standards and requirements for EV charging infrastructure which can be found here: [23 CFR 680](#). These regulations are effective as of March 30, 2023, and States must comply with them for the implementation of NEVI Formula Program projects.

All funds associated with the NEVI Formula Program shall be administered as if apportioned under chapter 1 of Title 23, United States Code (U.S.C.), which encompasses requirements for States to receive Federal-aid funding.

## II. FUNDING FEATURES

### A. AUTHORIZATION LEVELS

The BIL appropriates a total of \$5.0 billion for the NEVI Formula Program over the period of fiscal years 2022 through 2026. Table 1 shows the NEVI Formula Program levels by fiscal year.

BIPARTISAN INFRASTRUCTURE LAW (BIL)					
Fiscal Year	2022	2023	2024	2025	2026
Advance Appropriation (General Fund)	\$1.000 B				

<sup>10</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL, Under the NEVI Formula Program, the term “State” is given the same meaning as in section 101 of Title 23, United States Code (U.S.C.). Under 23 U.S.C. 101(a)(27), State means any of the 50 States, the District of Columbia, or Puerto Rico.

## B. NEVI FORMULA PROGRAM<sup>11</sup>

### Type of Budget Authority

- Current and advance appropriations from the General Fund.

### Period of Availability

- Available until expended.

### Pre-Apportionment Set-Asides

- For FY22 only, the BIL sets aside up to \$300 million for the Departments of Transportation and Energy to establish a Joint Office, which among other activities, is tasked with helping to formulate NEVI Formula Program guidance, best practices, and to provide vision, technical, and other assistance to States and localities in the planning and implementation of a national EV charging network, while also supporting additional transportation electrification efforts in the Federal government.
- For each year of FY22-26, after the set-aside listed above, the BIL sets aside 10 percent of EV Formula funding for grants to States and localities that require additional assistance to strategically deploy EV charging infrastructure, as determined by the Secretary of Transportation.
- The BIL allows FHWA to use up to 1.5 percent of annual NEVI Formula Program funds for FHWA's operations and administration.

### Distribution of Funds

- FHWA will distribute NEVI Formula Program funding (net of the pre-apportionment set-asides described above) among States, including the District of Columbia and Puerto Rico on a formula basis. Under the formula, each State receives a share of program funding equal to the State's share of the combined amount that FHWA distributes in—
  - Federal-aid highway apportionments; and
  - Puerto Rico Highway Program funding.
- This funding is not subject to any limitation on obligation.

## C. FEDERAL SHARE AND STATE/LOCAL MATCH REQUIREMENTS

The Federal cost-share for NEVI Formula Program projects is 80 percent. Private and State funds can be used to provide the remaining cost-share. NEVI Formula Program funds can be spread further by combining them with other eligible USDOT funding for EV charging infrastructure projects, such as the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, if the eligibility requirements are met for both programs and the total Federal cost-share does not exceed 80 percent. Generally, projects funded by the NEVI Formula Program can use in-kind match in a similar manner as any project funded under 23 U.S.C.

See also “DOT Funding and Financing Programs with EV eligibilities” table in [Federal Funding is Available for Electric Vehicle Charging Infrastructure On the National Highway System](#) for more information.

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<sup>11</sup> See FHWA NEVI Formula Program distribution table at: [Bipartisan Infrastructure Law – 5-year National Electric Vehicle Infrastructure Funding by State | Federal Highway Administration \(dot.gov\)](#).

## D. SPECIFIC FUNDING REQUIREMENTS

### Statutory Requirements Associated with Alternative Fuel Corridors

- “Any electric vehicle charging infrastructure acquired or installed with [NEVI Formula Program funds] shall be located along a designated Alternative Fuel Corridor.”<sup>12</sup>
  - States should prioritize the use of NEVI Formula Program funding for EV charging infrastructure along the Interstate Highway System.
  - As infrastructure must be located along designated corridors, States should review designated AFCs and consider adjusting nominations for corridors, prioritizing the Interstate Highway System first.
  - States may also use NEVI Formula Program funding elsewhere on designated corridors along the National Highway System, as necessary, to ensure a convenient, affordable, reliable, and equitable national network.
- “If a State determines, and [FHWA]<sup>13</sup> certifies, that the designated AFCs for electric vehicles in the State are fully built out, then the State may use funds provided under the NEVI Formula Program for EV charging infrastructure on any public road or in other publicly accessible locations that are open to the general public or to authorized commercial motor vehicle operators from more than one company.”
  - As of the publication of this guidance, no State has yet been certified as fully built out.
  - See Section V-C for more information.
- “All funding [distributed under the NEVI Formula Program] shall be for projects directly related to the charging of a vehicle and only to support EV charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company.”<sup>12</sup>
  - See Section IV-A for more information.

### Contracting with Private Entities

- Funds made available under the NEVI Formula Program may be used to contract with a private entity for acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure and the private entity may pay the non-Federal share of the cost of a project funded. States should demonstrate a contracting strategy that makes maximal efficient use of Federal funding while meeting the requirements of 23 U.S.C.
  - FHWA anticipates that in most instances States will elect to contract with private entities for the installation, operation, and maintenance of EV charging infrastructure.
  - Subject to contract terms, ownership of EV charging infrastructure does not need to revert to the State when a State elects to contract with a private entity to install, operate, or maintain EV charging infrastructure.

### Transferability to Other Highway Formula Programs

- States are prohibited from transferring NEVI Formula Program funding to other highway formula programs.<sup>14</sup>

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<sup>12</sup> All quoted text in this section is from paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL, with changes and clarifying phrases shown in brackets.

<sup>13</sup> As delegated by the Secretary of Transportation.

<sup>14</sup> Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of BIL.

### III. STATE EV INFRASTRUCTURE DEPLOYMENT PLANS

#### A. PLAN REQUIREMENTS AND DEADLINES

##### Plan Process

- Under BIL, each State was required<sup>15</sup> to develop a Plan in accordance with the NEVI Program Guidance released on February 10, 2022, and to submit their first Plan not later than August 1, 2022, to the Joint Office.<sup>16</sup>
- This updated NEVI guidance was developed to assist States in updating their Plans. Updated Plans will, once again, be submitted to the Joint Office. States are highly encouraged to use the template found at [DriveElectric.gov](https://www DriveElectric.gov) and [FHWA's NEVI Website](https://www FHWA.gov/NEVI). Updated Plans will be due on August 1 of the prior fiscal year, with the exception of the FY 2025 plans which are due on September 1, 2024.
- States should work directly with the Joint Office during Plan updates and to remedy any issues with their Plans before submitting final updated Plans. Technical assistance provided by the Joint Office in coordination with FHWA is intended to help ensure Plans will comply with all Program Guidance and requirements.
- FHWA will work with the Joint Office to review Plans and FHWA will notify each State if their fiscal year Plan is approved for implementation and obligation not later than September 30 of the prior fiscal year.
- No NEVI Formula Program funds shall be obligated by a State until FHWA has approved<sup>17</sup> that State's Plan; however, the development and/or update of the Plan, including reasonable and necessary staffing, is an eligible<sup>18</sup> reimbursable expense as a direct cost for use of the NEVI Formula Program funds. These costs can be funded out of prior year funds or under advance construction. See Section VI for further guidance on technical assistance offered to assist States in Plan preparation.
- All approved Plans should be publicly accessible via the State DOT's website and compliant with Section 508 of the Rehabilitation Act.
- If a State fails to submit a Plan consistent with this guidance<sup>19</sup> for a particular fiscal year, or if FHWA determines that a State has failed to take action to carry out its Plan, FHWA may withhold or withdraw, as applicable, funds made available under the Program for the fiscal year from the State and award such funds on a competitive basis<sup>20</sup> to local jurisdictions within the State for use on projects that meet the eligibility requirements outlined in this guidance. As NEVI Formula Program funding has been available for expenditure since the fall of 2022, it is expected that States will have demonstrated substantial progress in implementing the previous years' funds in their plan updates by September 30, 2024. Examples of substantial progress include opening of EV charging stations, issuance of solicitations, making contract awards, and obligating funds. FHWA will notify and consult with a State at least 90 days before making such a determination and identify actions the State can take to remedy deficiencies.
- FHWA will provide notice to a State on the intent to withhold or withdraw funds not less than 60 days before withholding or withdrawing any funds, during which time the States shall have an

<sup>15</sup> Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of BIL states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires.”

<sup>16</sup> Plan should be submitted in both Word and pdf formats and should be compliant with Section 508 of the Rehabilitation Act.

<sup>17</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires.”

<sup>18</sup> Under the cost principles at 2 CFR part 200.

<sup>19</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states that “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires.”

<sup>20</sup> Further information regarding a competitive process would be provided in a Notice of Funding Opportunity.

opportunity to appeal directly to the Secretary. If funds cannot be fully awarded to local jurisdictions within the State, the funds will be distributed among other States (except States for which funds for the FY have been withheld or withdrawn) in the same manner as funds distributed for that FY except that the ratio shall be adjusted to exclude States for which funds for that FY have been withheld or withdrawn.

## B. PLAN FORMAT

Plans shall<sup>21</sup> include all the necessary information required for FHWA to determine that the Plan satisfies the NEVI Formula Program requirements found in Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of the BIL. Updated Plans may meet this requirement by supplementing information provided through previously approved Plans which should be formatted in a new document under the title of the upcoming fiscal year (see the recommended template). Plans should be developed through consideration of this guidance and specifically Section IV. All Plan exhibits and attachments should clearly identify what area of the Plan the document supports.

While each State DOT must annually submit a Plan to the Joint Office describing how that State DOT intends to use funds distributed under the NEVI Formula Program, FHWA recognizes that certain sections of the Plan may not change from year to year. As such, State DOTs are permitted to annually submit an updated Plan by completing the accompanying streamlined template which can be found at [DriveElectric.gov](https://DriveElectric.gov) and [FHWA's NEVI Website](https://www.fhwa.gov/programs/ev/evi/). States are strongly encouraged to satisfy the annual Plan submission requirement by submitting more streamlined Plan update information, to the extent practicable. However, if changes have been made corresponding to a particular section of the prior year's Plan, the State DOT should clearly identify what has changed (options include highlighting or bolding the revised text).

After a State receives Plan approval from FHWA, the State should post the approved plan to the State DOT's website.

### Introduction

This section of the Plan should introduce the Plan development process to include a discussion of topics such as the Plan's study area and the dates of the analysis and adoption.

*This section of the Plan should also address the following, as applicable:*

- If only certain sections of the Plan are updated from the prior fiscal year, the introduction should identify sections with modifications, along with a succinct summary of updates.

### State Agency Coordination

The Plan should describe how the State DOT has coordinated with the State's energy and/or environment department in the development and approval of the Plan. The Plan should address any steps the State's DOT has taken or plans to take to maximize opportunities to utilize U.S.-made EV supply equipment.

*This section of the Plan should also address the following, as applicable:*

- States should identify and discuss any memoranda of understanding (MOUs) or other agreement entered into with another State agency to help administer the NEVI Program.
- States should identify and discuss relevant interagency working groups that have been established in support of NEVI.

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<sup>21</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL states “a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires.”

## Public Engagement

This section should discuss the statewide public engagement on EV charging infrastructure. This section should discuss the involvement of particular stakeholder groups in the Plan's development and updates to include the general public, governmental entities, federally recognized Tribes, labor organizations, private sector/industry representatives, utilities, representatives of the transportation and freight logistics industries, state public transportation agencies, and urban, rural, and underserved or disadvantaged communities. States are strongly encouraged to engage stakeholders and communities to ensure the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution.

*This section of the Plan should also address the following:*

- Per 23 CFR 680.112 (d) States must include a community engagement outcomes report and include a description of the community engagement activities conducted as part of the development and approval of their most recently-approved Plan, including engagement with disadvantaged communities. This report may be incorporated into the body of the Plan. This report must address the community engagement activities that have occurred through the development of this fiscal year plan and should also address activities that are planned for the future.
- States should also include specific information regarding engagement with Tribal communities.
- States should also identify and discuss outcomes from engaging with utilities.
- States should discuss how they will engage communities or ensure that third-party entities contracted to install EV charging infrastructure will engage communities, where EV charging infrastructure will be sited.
- See [Questions and Answers](#) for best practices surrounding public engagement for the development/update of the Plan.

## Plan Vision and Goals

The Plan should describe how it supports a convenient, affordable, reliable, and equitable statewide and national EV network. The Plan should describe how the State intends to use the funds distributed under the NEVI Formula Program to carry out the Program in each fiscal year in which funds are made available. The Plans should be updated on an annual basis to reflect the State funding plans for that fiscal year. Each State should provide 5-year goals for the duration of the program that include at least one outcome- oriented goal with a quantitative target. This section of the Plan should also identify the overall vision and goals specific to the geography, demographics, and network of the State as consistent with the NEVI Formula Program.

*This section of the Plan should also address the following, as applicable:* States should indicate changes in strategic direction, goals, or milestones outlined in Plans from prior fiscal years. States are also strongly encouraged to discuss their strategy for utilizing NEVI funds once EV alternative fuel corridors are certified as fully built out.

## Contracting

FHWA anticipates that in most instances States will contract with private entities for the installation, operation, and/or maintenance of EV charging infrastructure funded in whole or in part through the NEVI Formula Program. The Plan should detail whether the State intends to contract with third-party entities, and if so, how the State will ensure that those entities deliver EV charging infrastructure in a manner that leads to efficient and effective deployment against Plan goals. This section should also include a strategy for achieving efficient delivery and deployment and ongoing operation and maintenance. A contracting strategy that makes maximal efficient use of Federal funding will be an important consideration for

approval of State Plans. This section should also discuss how States will ensure that third-party entities contracted to install, operate, or maintain EV charging infrastructure will engage communities where EV charging infrastructure will be installed. Plans should also include a discussion of how the State will or did include opportunities for small businesses as provided at 23 U.S.C. 304.

*This section of the Plan should also address the following:*

- States should include the number, status, and timelines for existing and upcoming State Request for Proposals (RFPs), Request for Qualifications (RFQs), or contract awards.
- States should identify contracts awarded and include the type of contract mechanism used (public-private partnership design-build-operate-maintain, design-build, indefinite delivery/indefinite quantity, or others). States should identify RFP/contract provisions utilized/to be utilized to promote competitive bids and cost containment.
- States should identify if contracts used scoring methods for equity and Justice40 topics. States should provide details about the scoring methodology and/or indicate whether the scoring methodology will include metrics for equity and Justice 40. For example, the State could include a scoring metric similar to, “Located in a Federally defined disadvantaged community (DAC) or that clearly outlines plans for including and/or benefitting DACs as defined by the Justice40 program.”
- States should include information on how they are ensuring compliance with 23 U.S.C., 23 CFR 680, and all applicable requirements under 2 CFR 200.

### Civil Rights

This section of the Plan should discuss how the State planning and implementation will ensure compliance with State and Federal civil rights laws, including title VI of the Civil Rights Act and accompanying USDOT regulations, the American with Disabilities Act, and Section 504 of the Rehabilitation Act.

Title VI of the Civil Rights Act of 1964 mandates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Key activities to effectively address title VI concerns may include: conducting meaningful public participation and engagement throughout the project planning and development process, and evaluating the impacts and benefits of programs in light of the demographics of affected communities, to avoid disparate impacts and provide equitable access to benefits.

States must ensure compliance with State and Federal civil rights laws pertaining to individuals with disabilities, e.g., the American with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act (Section 504), including applicable accessibility standards adopted by DOT in its regulations at 49 CFR Parts 27 and 37 and by DOJ in its regulations at 28 CFR Parts 35. The existing ADA standards address many aspects of accessibility for buildings and sites applicable to EV charging stations but do not specifically address EV charging stations. To address this gap, in July 2022, the U.S. Access Board issued *Design Recommendations for Accessible Electric Vehicle Charging Stations*.<sup>22</sup> Charging stations should be designed and constructed according to the Access Board’s Recommendations to demonstrate ADA compliance and optimize usability for persons with disabilities.

*This section of the Plan should address the following, as applicable:* States should indicate changes in civil rights compliance considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).

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<sup>22</sup> [EV Charging Stations Guidance \(access-board.gov\)](#)

### Existing and Future Conditions Analysis

This section should identify the existing conditions within the study area at the time of the Plan creation. It should include the best available information regarding the State's geography and terrain as it pertains to its EV charger deployment vision and challenges, current and future temperature and precipitation patterns, industry/market conditions (to include an overview of the existing state of EV charging, current and projected EV ownership, the location of existing EV charging, and a discussion of the roles of DC Fast Charging stations), public transportation needs, freight and other supply chain needs, grid capacity necessary to support additional EV charging infrastructure, electric utilities that service the study area, land use patterns, travel patterns, EV charging infrastructure, information dissemination about the EV charging station availability. This section should also include a discussion on known risks and challenges for EV deployment. For further guidance on the technical assistance offered for analysis, see Section VI in this document.

*This section of the Plan should also address the following:*

- States should provide information on AFC designations, including information from the most recent round of nominations, such as descriptive maps and tables.
- States should clearly identify whether each of the existing stations are or will meet all of the relevant minimum requirements for EV charging infrastructure identified in [23 CFR 680](#) (these include [23 CFR 680.104](#), [23 CFR 106\(b\)](#), [23 CFR 680.106\(c\)](#), [23 CFR 680.106\(d\)](#), [23 CFR 680.106\(e\)](#), [23 CFR 680.106\(f\)](#), [23 CFR 680.106\(g\)](#), [23 CFR 680.106\(h\)](#), [23 CFR 680.106\(i\)](#), [23 CFR 680.106\(k\)](#), [23 CFR 680.106\(l\)](#), [23 CFR 680.108](#), [23 CFR 680.110](#), [23 CFR 680.114](#), and [23 CFR 680.116](#)).
- The State should also identify the number of existing stations intended to be counted towards a determination of fully built out status (see Section V-C). For each of these stations, States should provide the number of charging ports.

### EV Charging Infrastructure Deployment

This section should discuss EV charging infrastructure installations and associated policies to meet the vision and goals of the Plan. While the Plan does not need to include a list of exact EV charging infrastructure locations, it should provide as much detail as practicable on the location of the planned infrastructure (when known, to include the street address) and it should include an overall strategy for installations along designated corridors that prioritizes build out along the Interstate Highway System. Components of this section should include information about planned new EV charging infrastructure deployment location types, as well as existing EV charging infrastructure locations planned for upgrade or expansion. Plans should also identify which utility's territory the planned installations or upgrades are located in.

The section should also include a map, preferably also available online, and corresponding table of the corridors that are planned for EV charging infrastructure installation or upgrade as well as the approximate timing and priority for deploying EV chargers along each of these corridors to meet fully built out determination. The Joint Office can provide assistance to States to help develop these maps. Specifically, maps should include:

1. Approximate locations of planned EV charging infrastructure; and
2. Approximate locations of existing EV charging infrastructure along those corridors, specifically noting existing EV charging infrastructure targeted for upgrade or improvement to meet the requirements of the NEVI programs.

This section should also identify the source of non-federal funding for EV charging infrastructure

deployments. It can include both immediate and longer-term actions but should identify actions to build out AFCs, particularly those along the Interstate Highway System. It should also include actions that will be taken after the build out of the State's AFCs has been accomplished, including ensuring that any portions of the Interstate Highway System not part of the designated AFCs for electric vehicles will be fully built out. Funding topics covered should include funding amounts and sources (including the NEVI Formula Program at a minimum), use of public-private partnerships, and information about EV charging infrastructure ownership.

The overarching goal of the NEVI Formula Program is a seamless national EV charging network, so the Plan should also address how a State will coordinate and connect regionally with other States and adjoining networks specifically in instances where an existing AFC terminates at the state border.

*This section of the Plan should also address the following:*

- In order to describe how a State plans to use their NEVI funding, this section should include details about the specific stations under construction and future stations. Information about stations under construction should identify known characteristics of those stations under construction at the time of Plan approval. Information provided about future stations should illustrate characteristics about those stations that are anticipated to go under construction after Plan approval. Characteristics describing each station should illustrate the general anticipated location of the charging stations, the anticipated number of ports at each charging station, and the anticipated quarter/year that each station will be operational.
- States should explicitly identify the anticipated number of future stations needed (those not operational at the time of plan approval) to reach a determination of fully built out status. For each of these anticipated future stations, States should identify the anticipated number of charging ports, their location, and anticipated date of operation. States should also identify the timeframe they anticipate being able to reach fully built out status.
- States should also discuss their plans for further EV charging infrastructure deployment using NEVI funding after the achievement of full build out (see Section IV-A for more information on Project Eligibility).

### **Implementation**

Implementation considerations should include EV charging operations and maintenance programs, and EV charging infrastructure data collection and sharing. The Plan should identify installation, maintenance, and ownership responsibilities for the charging infrastructure and take into account how those roles will ensure the long-term sustainability of the station. The Plan should also demonstrate how the implementation will promote strong labor, safety, training, and installation standards as well as opportunities for the participation of small businesses, including minority-owned and women-owned small businesses. The Plan should also address emergency and evacuation needs, snow removal and seasonal needs, and ways for EV charging to support those needs. The Plan should also describe strategies for resilience for operation during emergencies and extreme weather.

*This section of the Plan should also address the following:* States should indicate changes in implementation considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).

### **Equity Considerations**

The Plan should be developed and updated through engagement with rural, underserved, and disadvantaged communities and stakeholders, including relevant suppliers and contractors, and describe how the Plan reflects that engagement.

Many of the burdens from the transportation and energy systems have been historically and disproportionately borne by disadvantaged communities. Unequal distribution of benefits from the transportation and energy systems has prevented disadvantaged communities and minority-owned and women-owned businesses from realizing equitable benefits from these systems, while other historic barriers to transportation have made facilities inaccessible to individuals with disabilities. For these reasons, the NEVI Formula Program will emphasize equity considerations at its inception to avoid exacerbating existing disparities in the transportation system and to develop a convenient, affordable, reliable, and equitable charging experience for all users.

NEVI Formula Program investments in EV charging infrastructure have the potential to:

- Improve clean transportation access through the location of chargers;
- Decrease the transportation energy cost burden by enabling reliable access to affordable charging;
- Reduce environmental exposures to transportation emissions;
- Increase parity in clean energy technology access and adoption;
- Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers;
- Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities;
- Increase energy resilience;
- Provide charging infrastructure for transit and shared-ride vehicles;
- Increase equitable access to the electric grid; and
- Minimize gentrification-induced displacement result from new EV charging infrastructure.

Plans should be developed and updated through engagement with rural, underserved, and disadvantaged communities to ensure that diverse views are heard and considered throughout the planning process, and to ensure that the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution of benefits and services. Plans should reflect this engagement.

Plans should explain how the State will deliver projects under the NEVI Formula Program that, consistent with Executive Order (E.O.) 14008 and the Interim Justice40 Guidance<sup>23</sup> issued by the White House and USDOT, target at least 40 percent of the benefits towards disadvantaged communities.

*This section of the Plan should also address the following:*

- States should indicate changes in equity considerations outlined in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).
- States should include an updated discussion related to how the State is adhering to the goal outlined in the Justice40 Initiative as a part of Executive Order 14008 in the use of the NEVI Formula Program. See [Questions and Answers](#) for best practices surrounding consistency with E.O. 14008 and the Interim Justice40 Guidance.<sup>24</sup>
- State Plans should thoroughly discuss how they have both identified and conducted outreach to disadvantaged communities (DACs) in the State. DACs should be identified using the [Climate &](#)

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<sup>23</sup> Section 219 of E.O. 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021); OMB, “Interim Implementation Guidance for the Justice40 Initiative,” M-21-28 (July 20, 2021), available at [M-21-28 \(whitehouse.gov\)](#)

<sup>24</sup> Section 219 of E.O. 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021); OMB, “Interim Implementation Guidance for the Justice40 Initiative,” M-21-28 (July 20, 2021), available at [M-21-28 \(whitehouse.gov\)](#)

Economic Justice Screening Tool.<sup>25</sup> To ensure DAC priorities are being represented in the State Plans, States should provide detail in their Plans regarding the groups they met with and show how the input of these groups was used to inform the development of the State Plan.

- State Plans should thoroughly discuss the process to identify, quantify, and measure benefits to DACs. The State could accomplish this by describing what metric will be used to measure benefits to DACs along with the data sources and analysis methods used to track those metrics. The State should describe how a baseline and goals may be set for each benefit area, and how communities will be engaged to validate the receipt of benefits.

### **Labor and Workforce Considerations**

This section of the Plan should consider the training, experience level, and diversity of the workforce that is installing and maintaining EV charging infrastructure which will create new opportunities for workers in the electrical and other construction trades, while also creating work for the skilled incumbent workforce around the country. To ensure safety and high-quality delivery, each Plan should consider the training and experience level of the workforce that is installing and maintaining EV charging infrastructure. This includes a discussion in the Plan describing how a State shall ensure that the workforce is trained in high quality training programs like the Electric Vehicle Infrastructure Training Program (EVITP) or otherwise comply with the qualified technician requirements in [23 CFR 680.106\(j\)](#).

To help meet the workforce needs of the NEVI Formula Program, each Plan should also consider steps that will grow and diversify their local workforce. This includes utilizing innovative contracting approaches authorized by law to maximize job creation and economic benefits for local communities. This also includes taking proactive steps to encourage broader participation among women, Black, Latino, Asian American Pacific, Indigenous, and other underrepresented groups in the development of those workforces. States should also consider how they can expand registered apprenticeships and invest in entry-level training programs like quality pre-apprenticeship programs. Consistent with Justice40<sup>26</sup>, States should also consider how disadvantaged communities will benefit from this added job growth. Plans should describe how the qualified technician requirements under [23 CFR 680.106\(j\)](#) will be reflected in a State's contracting and procurement strategies.

Strong labor, training, and installation standards will help produce a nationwide network of 500,000 EV chargers by 2030 that provides a convenient, reliable, affordable, and equitable charging experience for all users. See [23 CFR 680.106\(j\)](#) for applicable minimum requirements for qualified technicians.<sup>27</sup> See also [Questions and Answers](#) for best practices surrounding labor and equitable workforce considerations.

*This section of the Plan should address the following:*

- States should indicate changes in labor and equitable workforce considerations outlined in Plans from prior fiscal years. At a minimum, this should include a discussion of how the State will ensure that the workforce installing, maintaining, and operating chargers has appropriate licenses, certifications and trainings in compliance with [23 CFR 680.106\(j\)](#).
- Plans should also discuss how these qualified workforce requirements are enforced through the State's NEVI contracting and procurement strategies.
- States should clarify that any additional apprenticeship and/or training programs can only be utilized in place of the EVITP if and when such programs are approved by the Department of

<sup>25</sup> [Justice40 Initiative | US Department of Transportation](#)

<sup>26</sup> OMB, "Interim Implementation Guidance for the Justice40 Initiative," M-21-28 (July 20, 2021), available at [M-21-28 \(whitehouse.gov\)](#).

<sup>27</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

Labor per the [23 CFR 680.106\(j\)](#).

- States should acknowledge an intention to abide by the following statement “In compliance with 23 CFR 680.106(j) to ensure that the installation and maintenance of chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers, all electricians installing, operating, or maintaining EVSE must receive certification from the EVITP or a registered apprenticeship program for electricians that includes charger-specific training developed as part of a national guideline standard approved by the Department of Labor in consultation with the Department of Transportation, if and when such programs are approved.”

### **Physical Security & Cybersecurity**

This section of the Plan should discuss how the State will address physical security and cybersecurity in accordance with 23 CFR 680.106(h). Physical security strategies may include topics such as lighting; siting and station design to ensure visibility from onlookers; driver and vehicle safety; video surveillance; emergency call boxes; fire prevention; charger locks; and strategies to prevent tampering and illegal surveillance of payment devices. Cybersecurity strategies may include the following topics: user identity and access management; cryptographic agility and support of multiple Public Key Infrastructures (PKIs); monitoring and detection; incident prevention and handling; configuration, vulnerability, and software update management; third-party cybersecurity testing and certification; and continuity of operation when communication between the charger and charging network is disrupted. The Plan should identify considerations when software updates are made to ensure the station or vehicle is not compromised by malicious code, or that a vehicle infects other stations during future charges.

*This section of the Plan should address the following, as applicable:* States should indicate changes in how physical and cybersecurity were addressed in Plans from prior fiscal years, including changes to address compliance with minimum standards for EV charging infrastructure under [23 CFR 680](#).

### **Program Evaluation**

This section of the Plan should describe the State’s schedule and plan for evaluating performance in achieving its 5-year goals and vision. Evaluation of the effectiveness of this plan should include monitoring performance metrics, such as EV charging infrastructure usage, EV charging infrastructure reliability, customer satisfaction, equitable distribution and access to EV charging infrastructure within the State, greenhouse gas emissions, or other metrics that support creating a national network. This should include an assessment of a State’s efficient use of Federal funding, measured by the amount of charging leveraged per Federal dollar.

Other evaluation indicators a State might consider:

- Program benefits, such as job creation, EV adoption, improved access to EV charging infrastructure, and benefits to underserved communities.
- Program success in creating charging infrastructure that is convenient, affordable, reliable, and equitable.
- Program progress, in terms of the quantity of funds distributed, number of funding recipients, the time required to construct new charging stations, and the number of charging stations constructed.

*This section of the Plan should also address the following, as applicable:* States should provide a summary and assessment of the performance of EV chargers based on data submitted to the Joint Office in compliance with [23 CFR 680.112](#) (see Section V-B for more information).

### **Discretionary Exceptions**

As part of the development and approval of State Plans, and in very limited circumstances, a State may submit a request for discretionary exceptions from the requirement that charging infrastructure is installed

every 50 miles along that State's portion of the AFC within 1 travel mile of the AFC, as provided in the AFCs request for nominations criteria. Requests will not be considered or accepted for exceptions from other Program requirements. Requests will also not be considered or accepted for exceptions from regulatory requirements under [23 CFR 680](#). For example, exception requests will not be considered for the minimum number of charging ports (23 CFR 680.106(b)) or minimum power level (23 CFR 680.106(d)) requirements.

All approved exceptions will be supported by a reasoned justification from the State that demonstrates the exception will help support a convenient, affordable, reliable, and equitable national EV charging network. Exception requests must be clearly identified and justified in State Plans. Additional coordination with FHWA and the Joint Office may be necessary before any exception is approved. Exceptions will be approved on a case-by-case basis and will be adjudicated prior to approval of a Plan. Exception requests to the 50-mile criteria, even if previously considered, must be submitted on an annual basis until a State has been deemed fully built out.<sup>28</sup> Granted exceptions to the 1-mile criteria are permanent and should be noted in the Plan. Once deemed fully built out, all granted exceptions will become permanent.

Discretionary exceptions should only be requested to ensure consistency across the national network and will be granted sparingly. Examples that may support an exception include charging in disadvantaged communities, rural areas, or where grid capabilities are limited. See [DriveElectric.gov](#) or [FHWA's NEVI resources webpage](#) for a template to request discretionary exceptions.

*This section of the Plan should address the following, as applicable:* States should identify any new exception requests to the 1-mile criteria being submitted as well as all requests, new or recurring, to the 50-mile criteria. States should also note any previously granted exception requests from prior years.

## IV. PROJECT ELIGIBILITY PROVISIONS

### A. PROJECT ELIGIBILITY

NEVI Formula Program funds are restricted to projects that are directly related to EV charging infrastructure that is open to the public<sup>29</sup> or to authorized commercial motor vehicle (see [23 CFR 658.5](#)) operators from more than one company.<sup>30</sup>

See also [Questions and Answers](#) for detailed responses to questions about project eligibility. In general, NEVI Formula Program funds may be used for:

#### Acquisition and Installation

The acquisition and installation of EV charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability.

- The NEVI Formula Program funds can be utilized to install new chargers, to upgrade existing chargers, or to add additional charging infrastructure along designated AFCs.

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<sup>28</sup> Paragraph (2) of the Highway Infrastructure Program heading in title VIII of division J of the BIL.

<sup>29</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible. Please note that while hydrogen, propane, and natural gas fueling infrastructure are not eligible under the NEVI Formula Program, these additional fuels are eligible under the Corridor Charging Grants and the Community Charging Grants (23 U.S.C. § 151).

<sup>30</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

- The installation of EV charging equipment is typically considered to be a construction improvement, not an operational improvement.
- Eligible acquisition and installation costs include costs directly related to light-duty, medium-duty, and heavy-duty EV charging infrastructure such as:
  - New charging stations
  - Upgrades to existing charging stations
  - On-site distributed energy resources (DERs). (Renewable energy generation and storage, such as on-site solar panels, would be considered directly related, and therefore would be eligible.)
  - On-site electric service equipment
  - Permanently attached connectors and/or connector adapters
  - Traffic control devices and signage

### **Operating Assistance**

Operating assistance for costs allocable to operating and maintaining EV charging infrastructure acquired or installed under this program, for a period not to exceed five years.

- Operating assistance under the NEVI Formula Program is available only for those charging stations for which NEVI Formula Program funds have first been used for acquisition or installation, including upgrades.
- It is anticipated that such operating assistance may be needed at some locations with lower utilization but that are key to having a contiguous, national network and to address equity issues in both rural and urban areas where current levels of EV ownership make such lower utilization more likely and potentially increases operating cost burden on EV charging infrastructure owners and network operators. Other locations will not need this assistance for a commercial entity to run and operate. States should focus NEVI Formula Program funding for operating assistance to only those locations that most require operating assistance that will ensure a contiguous, national network or to address equity issues in rural and urban areas where current levels of EV ownership make lower utilization more likely. Funding decisions should be reviewed as the network matures.
- Where NEVI Formula Program funds are used for operating assistance, this operating assistance shall not exceed five years.

### **Development Phase Activities**

Development phase activities relating to the acquisition of stations and equipment as well as installation of EV charging infrastructure.

- Development phase activities include planning (including the development of the Plan), feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- While no NEVI Formula Program funds shall be obligated by a State until FHWA has approved that State's Plan for each fiscal year, the development of the Plan, including reasonable and necessary staffing, is an eligible reimbursable expense as a direct cost for use of the NEVI Formula Program funds.
- These costs can be funded with prior year NEVI Formula Program funding, or State DOTs can create an agreement with FHWA for Advance Construction (AC) prior to getting the NEVI obligation approved for the cost of the Plan and then request conversion of the AC project to obligate NEVI Formula Program funds and seek reimbursement for eligible costs. Any costs incurred by a State DOT prior to the AC authorization would not be eligible for reimbursement. State DOTs should be aware that Plans progressed under non-NEVI funds would not be eligible for later conversion to NEVI Formula Program funds.
- As with other activities funded under title 23, U.S.C., funds can be used for drafting environmental documents and studies, preliminary engineering, and related work. NEVI funds

cannot be used for final design and construction for site installations until the National Environmental Policy Act (NEPA) review is completed.

- Costs for planning and permitting of on-site distributed energy resource (DER) equipment (e.g., solar arrays, stationary batteries) that are directly related to the charging of a vehicle are eligible for reimbursement. These costs should only be considered if they will lead to lower costs to consumers, greater EV charging station reliability, and if they do not substantially increase the timeline for completing an EV charging station project. States should consult with Public Utility Commissions and electric utilities to understand regulations and policies restricting the use of DERs at EV charging stations, as well as incentive programs. States are encouraged to consider the magnitude of these costs and explore whether costs could be covered by electric utilities or other programs other than the NEVI Formula Program. The Joint Office of Energy and Transportation is available help States better understand and assess the inclusion of DERs at EV charging station locations.
- This includes community outreach and participation, including with rural, Tribal, and disadvantaged communities, to facilitate equitable and accessible deployment of EV charging infrastructure.

#### **Traffic Control Devices and On-Premise Signage**

The acquisition or installation of traffic control devices located in the right-of-way to provide directional information to EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program. Off-premise signs to provide information about EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program.

- Traffic control devices shall be consistent with the Manual on Uniform Traffic Control Devices (MUTCD) under 23 CFR 655 and on-site signage shall be consistent with the Outdoor Advertising Control regulations under 23 CFR 750.
- This includes accessible signage that directs drivers to an EV charging station location and signage that provides information at the EV charging station location.

#### **Data Sharing**

Data sharing about EV charging infrastructure to ensure the long-term success of investments.

- This includes, to the extent practicable, costs related to the specific data sharing requirements of this program as well as costs of data sharing on all chargers and charging activities on the EV network.
- NEVI Formula Program funds can be used for data sharing activities including those activities required under [23 CFR 680](#) to ensure the long-term success of program investments.
- See also Section V-B.

#### **Mapping and Analysis Activities**

Mapping and analysis activities to evaluate in an area in the United States designated by the eligible entity,

- the locations of current and future EV owners
  - This includes identifying disadvantaged communities with the greatest disparity of EV investments and estimating the benefits to disadvantaged communities in alignment with Justice40.
- to forecast commuting and travel patterns of EVs and the quantity of electricity required to serve EV charging stations
  - This includes modelling both the existing and projected future travel patterns of EVs and the corresponding electric service readiness needed to address these travel patterns.
  - This also includes forecasting public transportation electrification needs.
- to estimate the concentrations of EV charging stations to meet the needs of current and future EV drivers

- NEVI Formula Program funding can be used to analyze the locations of potential charging station as well as the appropriate power level and quantity of charging stations.
- to estimate future needs for EV charging stations to support the adoption and use of EVs in shared mobility solutions, such as micro-transit and transportation network companies
  - NEVI Formula Program funding can be used for the portion of shared mobility studies that address the role of EV integration into shared mobility solutions.
- to develop an analytical model to allow a city, county, or other political subdivision of a State or a local agency to compare and evaluate different adoption and use scenarios for EVs and EV charging stations
  - Modeling scenarios can include Federal land management agencies, public transportation agencies, and economic development authorities.
  - State DOTs may wish to review Section VI on Technical Assistance in this document to better understand whether they should undertake these mapping and analysis functions themselves or obtain assistance from the Joint Office.

### **Program Administration**

Administrative costs are an eligible expense under the NEVI Formula Program; however, direct and indirect cost allocation for reimbursement must follow 2 CFR part 200. General program administration to include staffing costs without the use of an approved indirect cost rate are not eligible costs for reimbursement under the NEVI Formula Program. As is required with all uses of NEVI Formula Program costs, use of funds for program administration are restricted to projects that are directly related to EV charging infrastructure that is open to the public<sup>31</sup> or to authorized commercial motor vehicle operators from more than one company.<sup>32</sup>

### **Workforce Development**

Workforce development activities for NEVI Formula Program projects are eligible so long as they are directly related to the charging of an electric vehicle. These costs must be allowable, allocable, and reasonable in accordance with 2 CFR part 200.

## **B. USE OF PROGRAM INCOME**

For purposes of program income or revenue earned from the operation of an EV charging station, the State DOT shall ensure that all revenues received from operation of the EV charging facility are used for only those items identified in [23 CFR 680.106\(m\)](#). Per [2 CFR 200.307](#), any income or revenue received during the period of performance (POP) shall be deducted from the total allowable costs of Federal funds used on the project to determine the net allowable costs, at the Federal share applied.

Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be used for title 23, United States Code, eligible projects.

Refer to [23 CFR 680.106\(m\)](#) for regulations on the use of program income.

## **C. CONSIDERATIONS FOR THE STRATEGIC DEPLOYMENT OF EV CHARGING**

### **INFRASTRUCTURE BY STATES**

This program guidance is specifically intended to assist States in developing their Plans for the strategic

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<sup>31</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible.

<sup>32</sup> Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of BIL.

deployment of EV charging infrastructure with consideration given to nine specific areas as required by the BIL. Guidance for each of these specific considerations is provided below and organized under each applicable excerpt from the BIL.

States should develop their Plans under the NEVI Formula Program consistent with these considerations and with the overarching goal for construction, installation, or upgrade of EV charging infrastructure to be completed not later than six months from procurement. Any State seeking a discretionary exception should document those exceptions in the Plan (see Section III-B and “discretionary exception” section of the State Plan template).

(1) the distance between publicly available EV charging infrastructure

- EV charging infrastructure should be conveniently and safely located as close to Interstate Highway System and highway corridors as possible and in general no greater than 1 mile from interchange exits or highway intersections along designated corridors.
  - The 1 mile should be measured as the shortest driving distance from the Interstate Highway System exit or highway intersection to the proposed station at the time of the proposal. Stations on public lands in close proximity to the corridor (including Federal lands) may be prime siting locations and should be considered in a Plan.
  - Exceptions from the no greater than 1 mile from the Interstate Highway System or highway requirement may be made where there is no electrical service or business activity within 1 mile of the interchange exit or highway. States should work with the Joint Office during the development of their Plan to identify and attempt to resolve any exception requests. That exception process is explained in Section III-B.
- New EV charging infrastructure locations should be spaced a maximum distance of 50 miles apart along designated corridors (including planned stations and existing stations, see Section V-C for specific details), unless a discretionary exception has been granted.
  - In initial planning and during the development of their Plans, States should also consider existing stations that substantially meet the minimum standards and requirements to be published in their spacing plans and work to upgrade and expand the capacity of these stations.
  - 50 miles should be measured as the distance between EV charging stations that meet “fully built out” requirements while traveling along AFCs in each logical direction.

(2) connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage

- EV charging infrastructure should provide power for EV charging regardless of time of day or time of year in a manner that supports a robust and reliable network. Specifically, stations should be designed to:
  - Achieve a high-level of reliability (>97 percent required for each port as per [23 CFR 680.116\(b\)](#));
  - Mitigate adverse impacts to the electric grid;
  - Maintain cost of charging at a price that is reasonable (for example, comparable to competitive market);
  - Minimize demand charges or other fixed utility fees; and
  - Provide high speed charging for travelers on the Interstate Highway System and AFCs.
- EV charging infrastructure design should include consideration of the following:
  - Equipment that connects EV charging stations to the electric grid must be directly related to the charging of a vehicle (23 CFR 680.114).
  - Accessibility.
  - Fire protection and other traffic safety features.

- The inclusion of distributed renewable energy resources (e.g. solar arrays, energy storage) and electric distribution and switching equipment where practicable.
- The use of station-level load management or smart charge management in a transparent manner that can encourage grid stability and reduce costs to EV charging station users.
- Plan for futureproofing that allows expansion for growing demand and higher power levels.
- States should work with applicable Federal, State, and local permitting agencies to identify and streamline permitting processes for EV charging infrastructure installation, including energy storage and renewable energy generation, to support operations.
- States should also work with local utilities, transmission and distribution operators, and public utility commissions to identify and streamline the planning and approval of grid connections for EV charging infrastructure, including energy storage and renewable energy generation, to support operations.

(3) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to EV charging infrastructure acquired or funded under this paragraph in this Act

- States should consider locations at or immediately adjacent to land uses with publicly accessible restrooms, drinking water, appropriate lighting, and sheltered seating areas such as travel centers, food retailers, convenience stores, visitor centers on Federal lands, small businesses with an Americans with Disabilities Act (ADA) accessible pathway between the EV charging infrastructure and the front door of the identified establishment, and other comparable facilities.
- States should also consider design features that encourage safety through environmental design, such as requiring that chargers be visible to passersby and unobstructed from the view of the street by buildings, other utilities, or large landscaping features.

(4) the need for publicly available EV charging infrastructure in rural corridors and underserved or disadvantaged communities

- The distribution of EV charging infrastructure across a State should specifically target locations and benefits to rural areas, underserved and overburdened communities, and disadvantaged communities, including Tribal lands, through analysis of existing service to these areas in a State.
  - This includes:
    - Prioritizing access of EV charging infrastructure to serve rural, underserved, and disadvantaged communities.
    - Identifying gaps in existing service and charging station availability to rural, underserved, and disadvantaged communities in the State.
    - Planning to distribute NEVI Formula Program funds to benefit rural, underserved, and disadvantaged communities in the State.
    - Targeting at least 40 percent of the benefits towards disadvantaged communities in accordance with Justice40.
    - Engaging stakeholders from rural, tribal, underserved, and disadvantaged communities.
  - For further guidance, see Section III-B in this document for a discussion of Equity considerations.

(5) the long-term operation and maintenance of publicly available EV charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure

- EV charging infrastructure should be maintained in good working order and in compliance with all requirements under [23 CFR 680](#).
- EV charging infrastructure should be operated and maintained with a focus on public road safety, including, the provision of adequate lighting, fire protection, and other traffic safety features. Potential conflicts with non-motorized and public transportation travel in multi- modal corridors should be addressed through safe design and countermeasures.
- EV charging infrastructure should use charging network providers with demonstrated experience or capability for at least the entire 5-year in-service requirement with plans to keep the stations in

- service beyond the availability of NEVI Formula Program funds.
- Owners of NEVI Formula Program funded EV charging infrastructure should provide reasonable plans and guarantees for maintaining the chargers, related equipment, and overall charging locations in good working order.

(6) existing private, national, State, local, Tribal, and territorial government EV infrastructure programs and incentives

- Decisions about siting, construction, installation, operation, and maintenance should involve consultation with relevant stakeholders to coordinate existing EV charging infrastructure programs and incentives. The involvement of relevant private entities, Federal, State, local, Tribal, and territorial governments will allow for the identification of opportunities for States to leverage the NEVI Formula Program funds in concert with other funding/deployment programs including those managed by other agencies.
- EV charging programs and grid management is often addressed by both State departments of transportation and/or State energy offices, so Plans under this program should be carefully coordinated across both groups.
- States should consult with entities including:
  - Metropolitan Planning Organizations and Regional Transportation Planning Organizations;
  - Counties and cities, including coordination with existing EV charging programs;
  - State departments of energy, including Clean Cities Coalitions,<sup>33</sup> as applicable
  - State environmental protection agencies;
  - State economic development agencies;
  - State public utility commissions;
  - State weights and measurement agencies;
  - State and Federal land management agencies;
  - State manufacturing extension partnerships;
  - State department of motor vehicles;
  - State department of commercial motor vehicles;
  - Responsible emergency/disaster preparedness functions in the State;
  - Tribal governments;
  - Electric utilities and transmission and distribution owners and regulators;
  - Electric vehicle service providers;
  - Public transportation agencies;
  - Port and freight authorities;
  - Community-based organizations, environmental justice and environmental protection organizations, small business associations, Chambers of Commerce; labor organizations, and private entities; and
  - Other appropriate parties.
- For further guidance, see Section III in this document for a discussion of Plans.

(7) fostering enhanced, coordinated, public-private or private investment in EV charging infrastructure

- The purpose of public funding is not to discourage private investment, but instead to catalyze additional private investment and supplement and fill gaps to provide a convenient, affordable, reliable, and equitable national EV charging network.
- States are encouraged to develop programs with cost-share requirements or incentives to leverage private investment in EV charging and maximize the impact of NEVI Formula Program funding. Cost-share and incentive programs can be powerful tools for optimizing infrastructure deployment by

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<sup>33</sup> [Clean Cities Coalition Network: Clean Cities Coalition Locations \(energy.gov\)](https://www.energy.gov/eere/clean-cities-coalition-network)

providing States the opportunity to partner with existing EV infrastructure providers without bearing additional risk of upfront funding prior to deployment and diminishing the risk of half-built or stranded assets.

- The involvement of relevant private sector and industry representatives throughout the development and deployment of the Plan should allow for the identification of EV charging market opportunities and challenges, along with potential solutions to address them. Coordinated planning across private and public investments is necessary to provide a seamless and convenient national network.
- States should consult with entities including:
  - Private sector EV charging infrastructure owners and network operators;
  - Vehicle manufacturers;
  - Unions and other labor organizations;
  - Utilities;
  - Real estate industry groups;
  - Minority- and women-based organizations;
  - Freight industry groups;
  - Relevant environmental justice, equity, environmental protection, and other community advocacy organizations;
  - EV industry organizations and EV advocacy groups, as applicable;
  - Gas station owners and operators;
  - Taxicab commissions and ridesharing companies;
  - Emergency management and public safety agencies; and
  - Other appropriate parties.
- For further guidance, see Section III in this document for a discussion of Plans.

(8) meeting current and anticipated market demands for EV charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles

- Stations should be designed to provide at least four Combined Charging System (CCS) ports capable of simultaneously charging four EVs. Station power capability should be no less than 600 kW (supporting at least 150 kW per port simultaneously across four ports) for charging. Note that additional permanently attached non-proprietary connectors such as J3400 connectors can be provided on each charging port so long as the requirements of 23 CFR 680 are met.
- Maximum charge power per DC port should not be below 150 kW and should consider design and construction practices that allow for 350kW or greater charging rates through future upgrades.
- Power sharing across ports should be permitted so long as it does not reduce the maximum output per port below 150 kW. For stations with ports above 150kW, States should support station design that facilitate power sharing across ports.
- Station designs should also consider the potential for future expansions needed to support the electrification and charging demands of medium- and heavy-duty trucks, including station size and power levels.
- Stations should be designed to allow for future upgrades and updates to power levels and number of chargers, to the extent possible and within reason. The Joint Office will publish best practices for EV charging infrastructure construction that will seek to allow flexibility in future upgrades.
- After a State has determined, and the Secretary of Transportation has certified, that the State's designated AFCs for electric vehicles are fully built out, that State will have additional flexibility to determine the type and location of any additional EV charging infrastructure installed, operated, and maintained under NEVI Formula Program. See Section V-C for information about Fully Built Out Certification.

(9) any other factors, as determined by the Secretary

- Consumer Protection: States should consider how they will safeguard purchasers of goods and services against defective products, excessive costs, and deceptive or fraudulent business practices.

- Cybersecurity: States should consider cybersecurity needs of the electrical grid, station, vehicles, and customers using EV charging infrastructure.
- Emergency Evacuation Plans: States should consider emergency and evacuation needs, including how they will support overall emergency evacuation plans along roadways. Plans should also account for growing number of EVs using designated evacuation routes.
- Environmental siting/permitting considerations: During site selection, States should consider locations within a previously disturbed or developed area. In most instances, EV charging station are eligible for a categorical exclusion under NEPA. States should consider the appropriate level of review under NEPA and other environmental laws, regulations, and Executive Orders (see sub-bullets below) including, but not limited to, the Clean Water Act, National Historic Preservation Act, Section 4(f), and Executive Orders 12898, 14096, 11988, and 13690.
  - Developing the Plan will qualify for an environmental categorical exclusion (CE) under 23 CFR 771.117(c)(1) as an activity that does not lead directly to construction. The installation of EV charging infrastructure is a separate activity(s) that will require its own environmental approval.
  - As installation of EV charging infrastructure is generally the type of action that would not be expected to result in significant environmental impacts, several CEs may be applicable including those found at 23 CFR 771.117(c)(2, 19, 22, and 23) and(d), or the Department of Energy's electric vehicle charging stations categorical exclusion, as adopted by DOT (88 FR 64972), depending on the scope of the action and the CE's conditions.<sup>34</sup> We encourage states to rely on their programmatic CE agreements, when applicable, to accelerate the delivery of these projects.
  - Before a CE determination can be applied to an action, the action must be analyzed to determine whether there are unusual circumstances present that would require further analysis to determine whether the CE classification is appropriate (see 23 CFR 771.117(a-b)).
  - An exemption to Section 106 of the National Historic Preservation Act<sup>35</sup> was published on November 2, 2022, releasing all Federal agencies from the Section 106 requirement to consider the effects of their undertakings involving the installation and placement of electric vehicle supply equipment, provided specific conditions outlined in the exemption are met. The Lead Federal Agency makes the determination as to whether the Section 106 exemption applies. A project sponsor should review the conditions outlined in the exemption and coordinate with the Lead Federal Agency. The standard Section 106 consultation process can be followed in the event that the exemption is determined not applicable.
  - States should also consider how they will complete permitting and environmental review processes to support operations within six months of obligating funds. For example, additional efficiencies can be achieved when multiple EV charging infrastructure projects are planned within a particular geographic area or under similar circumstance. In such cases, programmatic analyses can be used to analyze the common effects associated with a suite of projects in order to avoid having to perform analysis of those effects in each unique case and to streamline documentation.
  - We encourage the State DOTs to use their existing CE checklists to help identify if an EV charging station project qualifies for a CE. There are other web-based tools such as [NEPAssist](#) that can help with initial screening of potential impacts. Resilience: States should consider the potential impacts of climate change and extreme weather events, including through the use of currently available USDOT tools and resources to assess the vulnerability and risk of planned and existing EV charging stations and the development, deployment, and monitoring of resilience

<sup>34</sup> [Categorical Exclusions \(CEs\) for Electronic Vehicle Charging Infrastructure \(dot.gov\)](#)

<sup>35</sup> [About the Exemption Regarding Historic Preservation Review Process for Undertakings Involving Electric Vehicle Supply Equipment \(EVSE\) | Advisory Council on Historic Preservation \(achp.gov\)](#)

solutions. States should also consider the location of existing and proposed EV charging infrastructure with respect to the Federal Flood Risk Management Standard, as well as how climate change may affect the floodplain, and construct EV charging infrastructure consistent with the Federal Flood Risk Management Standard, to the extent consistent with law. States should consider opportunities to add redundancy and improve the overall resilience of the national network of EV charging stations.

- Terrain: States should consider geographic terrain and snow removal and other seasonal needs.
- Other factors may be addressed in future guidance.

## **D. MINIMUM STANDARDS AND REQUIREMENTS FOR PROJECTS IMPLEMENTED UNDER THE NEVI FORMULA PROGRAM**

All applicable requirements under chapter 1 of Title 23, United States Code, and 2 CFR part 200 apply to the administration of these funds. Regulations for compliance with minimum standards and requirements for EV charging infrastructure are contained in [23 CFR 680](#).

# **V. PROGRAM ADMINISTRATION**

## **A. TRACKING NEVI FORMULA PROGRAM FUNDS**

The FHWA's Chief Financial Officer has established program codes in the Fiscal Management Information System (FMIS) to track State investments of NEVI Formula Program funds. States shall accurately reflect these NEVI Formula Program obligations as they record project data in the FMIS. In addition, projects funded under the NEVI Formula Program should utilize FMIS improvement type 63.

## **B. DATA SHARING**

As of March 30, 2023, States should refer to [23 CFR 680](#) which regulates the minimum standards and requirements for projects funded under the National Electric Vehicle Infrastructure (NEVI) Formula Program. Data sharing requirements are contained within three sections of [23 CFR 680](#), including Section 680.106(a) *Procurement process transparency for the operation of EV charging stations*, Section 680.112 *Data Submittal*, and Section 680.116(c) *Third-party data sharing*. States are required to ensure that this data is submitted or made available to the public as described in [23 CFR 680](#) whether directly or via their subrecipients and/or contractors.

To facilitate the standardization and collection of the data submittals required under [23 CFR 680.112](#), the Joint Office has established the [Electric Vehicle Charging Analytics and Reporting Tool \(EV-ChART\)](#), a web-based data portal and analytics platform where the data must be submitted. To assist users in submitting data, the Joint Office has published the EV-ChART [Data Format and Preparation Guide](#) and the [EV-ChART Data Input Template](#) that defines the data attributes and informs how to format the data for submission. The Joint Office has also developed the EV-ChART User Guide to assist States and Other Direct Funding Recipients as well as their authorized subrecipients and contractors in submitting the required data. Information about the data platform and the supporting documents will be found on [DriveElectric.gov](#).

## **C. BUILD OUT CERTIFICATION**

A primary objective of the NEVI Formula Program is to establish a national network for EV charging. Initially, funding under this program is directed to designated AFCs towards this objective.

Until FHWA certifies that a State's AFC network is fully built out, NEVI Formula Program funding for construction purposes shall only be used along designated AFCs to construct new EV charging infrastructure and to upgrade existing EV charging infrastructure. As of the publication of this guidance, no State has yet been certified as fully built out.

### **Fully Built Out Criteria**

In a State that is fully built out, every designated AFC for EV charging must meet the following criteria:

1. Stations are spaced along all designated EV AFCs at a maximum distance of 50 miles apart and within 1 mile of the designated roadway, except where exceptions have been granted. (See Section III-B for information about discretionary exceptions). All creditable stations must:
  - o be publicly accessible,<sup>36</sup>
  - o include at least four 150kW Direct Current Fast Chargers with CCS ports,
  - o be capable of simultaneously charging four EVs at 150kW or above at each port, with a minimum station power capability at or above 600kW, and
  - o meet the minimum standards and requirements as described in [23 CFR 680.104](#), [23 CFR 106\(b\)](#), [23 CFR 680.106\(c\)](#), [23 CFR 680.106\(d\)](#), [23 CFR 680.106\(e\)](#), [23 CFR 680.106\(f\)](#), [23 CFR 680.106\(g\)](#), [23 CFR 680.106\(h\)](#), [23 CFR 680.106\(i\)](#), [23 CFR 680.106\(k\)](#), [23 CFR 680.106\(l\)](#), [23 CFR 680.108](#), [23 CFR 680.110](#), [23 CFR 680.114](#), and [23 CFR 680.116](#)
2. Any point along the corridor must be connected via an AFC to a station in each logical direction so that the gap is no more than 50 miles.
3. All creditable stations are operational. While working to fully build out AFCs, States are encouraged to engage communities to begin planning activities beyond their AFCs.
4. All corridor termini must have a station located within 25 miles.
  - o If the continuation of the corridor is not designated as an AFC by the adjacent state, then this corridor should be considered a terminus at the state border (e.g., there must be a station located within 25 miles of the state border.)
  - o If a designated corridor extends beyond a state's border into an adjacent state, the 50-mile spacing must be maintained along the designated corridor (e.g., one state may have a station greater than 25 miles from their border if the adjacent state has a station along that same corridor less than 25 miles from their border in a manner that maintains the overall 50-mile spacing). If a designated corridor changes names or highway designation along the corridor, this is not considered a corridor terminus.

### **Fully Built Out Certification Process**

In order to have a determination reviewed by FHWA and the Joint Office, States should submit a letter determining their status as fully built out with accompanying maps, tables, and data:

- An overall map of the State highlighting that all designated AFC corridors meet the fully built out criteria.
- Maps of individual designated AFC corridors showing the location of each station and the distance between stations and from the corridor
- A table identifying each station as identified on the corresponding maps. The table should detail and verify all of the information needed to make a fully built out determination (see "Fully Built

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<sup>36</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible.

Out Criteria” preceding). The Joint Office will be available to provide technical assistance to States, however certification rests with FHWA.

- Optionally, States may submit accompanying Geographic Information Systems (GIS) data to include both the designated corridors and the station information.

States are encouraged to submit for certification at the same time as their annual Plan submissions.

#### **Flexibility after Build Out Certification**

“If a State determines, and FHWA certifies,<sup>37</sup> that the designated AFCs for electric vehicles in the States are fully built out, then the State may use funds provided under the NEVI Formula Program for EV charging infrastructure on any public road or in other publicly accessible locations that are open to the general public or to authorized commercial motor vehicle operators from more than one company.”<sup>38</sup>

- Publicly accessible locations may include public parking facilities, parking at public buildings, public transportation stations, Park-and-Rides, public schools, public parks, private parking facilities available for public use, and visitor centers and other public locations on Federal Lands.
- If the Secretary certifies a State’s determination that its AFCs for electric vehicles are fully built out, that certification will apply to obligation of all remaining NEVI Formula Program funding authorized through FY 2026. This certification should not be construed as implying that additional State, local, or private sector investment is not necessary or encouraged.
- Stations do not need to be funded by the NEVI Formula Program to be counted towards a fully built out determination, but they must meet the “Fully Built Out Criteria” identified in this section.
- All one-mile and fifty-mile exception requests are considered permanent with a fully built out certification.

## **VI. TECHNICAL ASSISTANCE/TOOLS**

The Joint Office plays an important role by providing direct technical assistance and support to States as they pursue the implementation of their EV Infrastructure Deployment Plans and has continued to coordinate closely with FHWA Division Offices and FHWA headquarters program offices to provide technical and program-related answers and guidance to the states on a variety of areas and topics.

Additionally, after a State has determined, and the Secretary of Transportation has certified, that the State’s designated Alternative Fuel Corridors for electric vehicles are fully built out, the State will have additional flexibility to determine the type and location of any additional EV charging infrastructure installed, operated, and maintained under NEVI Formula Program. This will provide an opportunity to expand the Joint Office’s technical assistance and support to communities and tribal nations in adopting and expanding EV charging to ensure that they have convenient and affordable access to riding and driving electric.

Recognizing that States and local governments may be at different stages in their EV charging infrastructure development, the Joint Office will provide technical assistance to States as they achieve a convenient, affordable, reliable, and equitable national network of EV chargers, regardless of where they are in the electric charging deployment process.

As part of a suite of technical assistance resources, the Joint Office connects stakeholders with

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<sup>37</sup> As delegated by the Secretary of Transportation

<sup>38</sup> Paragraph (2) of the Highway Infrastructure Program heading in title VIII of division J of the BIL.

technical information, lessons learned, tools and critical data. These resources, developed by USDOE, USDOT, national laboratories, and other key partners, will expand over time to help transportation stakeholders deploy EV charging infrastructure. These resources can be found on the Joint Office's [driveelectric.gov](http://driveelectric.gov) website:

- [Technical Assistance](#)
- [States](#)
- [Communities](#)
- [Cybersecurity](#)
- [Tribal Nations](#)
- [Modeling, Equity and Climate Impact Tools](#)
- [EV-ChART](#)
- [Contacting the Joint Office](#)

## VII. ADDITIONAL INFORMATION

If you have questions about this program guidance, please contact Diane Turchetta ([Diane.Turchetta@dot.gov](mailto:Diane.Turchetta@dot.gov)), Will Stein ([William.Stein@dot.gov](mailto:William.Stein@dot.gov)) or Suraiya Motsinger ([Suraiya.Motsinger@dot.gov](mailto:Suraiya.Motsinger@dot.gov)).

For additional guidance on other Bipartisan Infrastructure Law and Federal-aid Highway Programs, please see [FHWA's Bipartisan Infrastructure Law website](#).

## State Plan/State Plan Update for Electric Vehicle (EV) Infrastructure Deployment [TEMPLATE]

Beginning with the FY 2025 Plan, State DOTs are permitted to meet the NEVI requirements by completing this streamlined template. In the following pages several section instructions are described as UPDATES ONLY. Those sections need updates *only if* relevant updates have been made since the submittal of the previously approved plan. If updates are required, please see Section III-B of the NEVI Formula Program Guidance for further guidance. **If no change has been made in these sections, States may simply indicate “No Change”.** States are highly encouraged to complete this template to serve as their updated Plan.

### Introduction

*<UPDATES ONLY>*

#### Updates from Prior Plan [REQUIRED]

*<Insert a bulleted list identifying which sections of the Plan have been updated from the prior fiscal year’s Plan, along with a brief synopsis of the nature of the update>*

### State Agency Coordination

*<UPDATES ONLY>*

### Public Engagement

*<UPDATES ONLY>*

#### Community Engagement Outcomes Report [REQUIRED – Updated 6/11/24]

*<Per 23 CFR 680.112 (d), include a community engagement outcomes report and include a description of the community engagement activities conducted as part of the development and approval of the most recently-approved Plan, including engagement with disadvantaged communities. This report may be incorporated into the body of the Plan. This report must address the community engagement activities that have occurred through the development of this fiscal year plan and should also address activities that are planned for the future. >*

### Tribal Engagement

*<UPDATES ONLY>*

### Utility Engagement

*<UPDATES ONLY>*

### Site-Specific Public Engagement

*<UPDATES ONLY>*

### Plan Vision and Goals

*<UPDATES ONLY>*

## Contracting

*<UPDATES ONLY>*

### Status of Contracting Process [REQUIRED– Updated 6/11/24]

< Through the table below, include information about existing and upcoming State Request for Proposals (RFPs), Request for Qualifications (RFQs), or Contract Awards.>

Round of Contracting (example: 1 <sup>st</sup> Round of Three)	Number of Proposals or Applications received	Contract Type (design-build-operate-maintain, design-build, or others)	Date Solicitation Released	Date Solicitation Closed	Date of Award

### Awarded Contracts [REQUIRED– Updated 6/11/24]

< Through the table below, include information about the status of contracts awarded.>

Round of Contracting (example: 1 <sup>st</sup> Round of Three)	Award Recipient	Contract Type (design-build-operate-maintain, design-build, or others)	Location of Charging Station	Award Amount	Estimated Date of Operation

### Scoring Methodologies Utilized [REQUIRED - Updated 6/11/24]

< Identify the scoring methodology used to evaluate NEVI Formula Program contracts . Provide detail about this scoring methodology, particularly identifying scoring used to evaluate equity and Justice 40. >

### Plan for Compliance with Federal Requirements [REQUIRED]

<Identify how State is ensuring contractors comply with 23 U.S.C., 23 CFR 680, and all applicable requirements under 2 CFR 200.>

## Civil Rights

## Existing and Future Conditions Analysis

### Alternative Fuel Corridor (AFC) Designations

### Existing Charging Stations [REQUIRED – Updated 6/11/24]

<Through the table following, include information about existing locations of DCFC charging infrastructure along designated AFCs.>

Include an “as of” date that the table is populated.

State EV Charging Location Unique ID*	Route	Location (street address or AFC + mile marker)	Number of Charging Ports	EV Network (if known)	Meets all relevant requirements in 23 CFR 680?	Intent to count towards Fully Built Out determination?

\*Defined by the State – this should match the unique ID in the State's applicable GIS databases.

Note that the table can be included in the Appendix, if too lengthy to include here.

<Explicitly identify the number of existing stations (and the number of ports at each station) counted towards the anticipated determination of fully built out status.>

## EV Charging Infrastructure Deployment

*<UPDATES ONLY>*

### Planned Charging Stations [REQUIRED – Updated 6/11/24]

<Through the table below, include information about both stations under construction and future stations.>

#### Stations Under Construction

State EV Charging Location Unique ID	Route (note if AFC)	Location	Number of Ports	Estimated Quarter/Year Operational	Estimated Cost	Funding Sources (Choose No NEVI, FY22/FY23, FY24, FY25, FY26, or FY27+)	New Location or Upgrade?

#### Planned Stations

State EV Charging Location Unique ID	Route (note if AFC)	Location	Number of Ports	Estimated Quarter/Year Operational	Estimated Cost	Funding Sources (Choose No NEVI, FY22/FY23, FY24, FY25, FY26, or FY27+)	New Location or Upgrade?

### Planning Towards a Fully Built Out Determination [REQUIRED – Updated 6/11/24]

*<UPDATES ONLY>*

<Insert relevant information into the table below>

How many stations are still needed to achieve Fully Built Out status (based on the State's EV AFCs as of the date of this update's submission)?	
Provide the estimated month/year to achieve Fully Built Out status:	

## EV Charging Infrastructure Deployment After Build Out [REQUIRED – Updated 6/11/24]

< Insert a discussion describing plans for further EV charging infrastructure deployment using NEVI funding after the achievement of full build out such as deployment strategy, funding strategy and how these strategies are (or will) be informed by stakeholder input and community engagement.>

## Implementation

*<UPDATES ONLY>*

### Equity Considerations [REQUIRED– Updated 6/11/24]

<Include updates to a discussion of how the State is adhering to the goal outlined in the Justice40 Initiative as a part of Executive Order 14008 in the use of the NEVI Formula Program. Discuss how the plan complies with the White House Interim Guidance on Justice40, including using the [Climate & Economic Justice Screening Tool to](#) identify DACs. (See Section III-B of the NEVI Formula Program Guidance, Equity Considerations for example benefits)>

### Identification and Outreach to Disadvantaged Communities (DACs) in the State [REQUIRED– Updated 6/11/24]

<Insert discussion here identifying DACs and describing outreach to DACs for the development of this Plan. Ensure DAC priorities are being represented in the Plan by providing detail regarding the groups met with, and show how the input of these groups was used to inform the development of the State Plan. >

### Process to Identify, Quantify, and Measure Benefits to DACs [REQUIRED– Updated 6/11/24]

<Insert discussion of which benefits will be measured, what metric will be used to measure those benefits, and the data sources and analysis methods used to track metrics. Also describe how a baseline and goals may be set for each benefit area, and how communities will be engaged to validate the receipt of benefits. Refer to White House Interim Guidance on Justice40 for examples on measuring benefits to DACs. For mapping benefits to DACs, refer to Argonne National Laboratory’s page Electric Vehicle Charging Equity Considerations and the Electric Vehicle Charging Justice40 Map tool.>

Benefits Category (examples)	Metrics	Data Source
Improve clean transportation access through the location of chargers;		
Decrease the transportation energy cost burden by enabling reliable access to affordable charging;		
Reduce environmental exposures to transportation emissions;		
Increase parity in clean energy technology access and adoption;		
Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers;		
Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities;		
Increase energy resilience;		
Provide charging infrastructure for transit and shared-ride vehicles;		
Increase equitable access to the electric grid; and		
Minimize gentrification-induced displacement result from new EV		

charging infrastructure.		
Others		

## Labor and Workforce Considerations [REQUIRED– Updated 6/11/24]

<Insert updates to discussion of how the State will approach training, experience level, and diversity of the workforce installing and maintaining EV charging infrastructure. At a minimum, this should include a discussion of how the State will ensure that the workforce installing, maintaining, and operating chargers has appropriate licenses, certifications and trainings in compliance with [23 CFR 680.106\(j\)](#). Specifically clarify that any additional apprenticeship and/or training programs referenced would only be utilized in place of the Electric Vehicle Infrastructure Training Program (EVITP) if and when such programs are approved by the Department of Labor per the [23 CFR 680.106\(j\)](#). Plans should also discuss how these qualified workforce requirements are enforced through the State’s NEVI contracting and procurement strategies.>

<Confirm intent to comply with 23 CFR 680.106(j) by including the following statement:>

“In compliance with [23 CFR 680.106\(j\)](#) to ensure that the installation and maintenance of chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers, all electricians installing, operating, or maintaining EVSE must receive certification from the EVITP or a registered apprenticeship program for electricians that includes charger-specific training developed as part of a national guideline standard approved by the Department of Labor in consultation with the Department of Transportation, if and when such programs are approved.”

## Physical Security & Cybersecurity

*<UPDATES ONLY>*

## Program Evaluation

*<UPDATES ONLY>*

## Discretionary Exceptions [if any]

<Identify and support the need for any requested exceptions, if applicable, from the geographic requirements that charging infrastructure is installed every 50 miles along that State’s designated electric vehicle alternative fueling corridors and within 1 travel mile of the corridor.>

## Appendix A: Supporting Materials [if applicable]



U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

Subject: **INFORMATION: Build Out Certification - NEVI Formula Program Guidance**

Date: December 11, 2024

From: Emily Biondi *Emily Biondi*  
Associate Administrator for Planning,  
Environment, and Realty

In Reply Refer To:  
HEPN1

To: Division Administrators

The purpose of this memorandum is to revise the Build Out Certification guidance for the National Electric Vehicle Infrastructure (NEVI) Formula Program.

The content of this memo supersedes Section V-C of the NEVI Formula Program Guidance dated June 11, 2024. There are two revisions to Section V-C of the June 11, 2024 guidance: the “Fully Built Out Criteria” and the “Flexibility after Build Out Certification” sections have been modified to encompass a broader range of stations as “creditable” and to clarify the expansion of eligibility for EV infrastructure projects after build out certification. The remainder of the June 11, 2024, NEVI Formula Program Guidance remains the same except where noted with “[REVISED]” below.

As noted in the June 11, 2024 NEVI Formula Program Guidance, except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

If you have any questions, please contact Will Stein ([william.stein@dot.gov](mailto:william.stein@dot.gov)) or Suraiya Motsinger ([suraiya.motsinger@dot.gov](mailto:suraiya.motsinger@dot.gov)) of the Office of Natural Environment.

Attachment

## BUILD OUT CERTIFICATION

A primary objective of the NEVI Formula Program is to establish a national network for EV charging. Initially, funding under this program is directed to designated AFCs towards this objective.

**[REVISED]** Until FHWA certifies, pursuant to authority delegated by the Secretary, that a State's AFC network is fully built out, NEVI Formula Program funding for construction purposes shall only be used along designated AFCs to construct new EV charging infrastructure and to upgrade existing EV charging infrastructure.

### Fully Built Out Criteria

In a State that is fully built out, every designated AFC for EV charging must meet the following criteria:<sup>1</sup>

1. Stations are spaced along all designated EV AFCs at a maximum distance of 50 miles apart and within 1 mile of the designated roadway, except where exceptions have been granted. (See Section III-B for information about discretionary exceptions). All creditable stations must:
  - be publicly accessible<sup>2</sup>,
  - include at least four 150kW Direct Current Fast Chargers with CCS ports,
  - be capable of simultaneously charging four EVs at 150kW or above at each port, with a minimum station power capability at or above 600kW, and
  - meet the minimum standards and requirements as described in 23 CFR 680.104, 23 CFR 106(b), 23 CFR 680.106(c), 23 CFR 680.106(d), 23 CFR 680.106(e), 23 CFR 680.106(f), 23 CFR 680.106(g), 23 CFR 680.106(h), 23 CFR 680.106(i), 23 CFR 680.106(k), 23 CFR 680.106(l), 23 CFR 680.108, 23 CFR 680.110, 23 CFR 680.114, and 23 CFR 680.116.
2. Any point along the corridor must be connected via an AFC to a station in each logical direction so that the gap is no more than 50 miles.
3. **[REVISED]** All creditable stations are either (1) operational, (2) contracts for construction have been executed, or (3) notices to proceed have been issued for construction at all sites, or any combination of (1), (2), and (3). While working to fully build out AFCs, States are encouraged to engage communities to begin planning activities beyond their AFCs.
4. All corridor termini must have a station located within 25 miles.

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<sup>1</sup> **[REVISED]** The FHWA is directed by paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the Bipartisan Infrastructure Law (BIL) (enacted as the Infrastructure Investment and Jobs Act) (Pub. L. 117-58) (Nov. 15, 2021) to develop guidance for States and localities to strategically deploy electric vehicle charging infrastructure, including criteria for the States to determine, and FHWA to certify, they are fully built out. The FHWA established this criteria in the June 2, 2023 NEVI Formula Program Guidance which was last updated on June 11, 2024. Section V-C of the June 11, 2024 NEVI Formula Program Guidance is being superceded by this memo.

<sup>2</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible.

- If the continuation of the corridor is not designated as an AFC by the adjacent state, then this corridor should be considered a terminus at the state border (e.g., there must be a station located within 25 miles of the state border.)
- If a designated corridor extends beyond a state's border into an adjacent state, the 50-mile spacing must be maintained along the designated corridor (e.g., one state may have a station greater than 25 miles from their border if the adjacent state has a station along that same corridor less than 25 miles from their border in a manner that maintains the overall 50-mile spacing). If a designated corridor changes names or highway designation along the corridor, this is not considered a corridor terminus.

### **Fully Built Out Certification Process**

In order to have a determination reviewed by FHWA and the Joint Office, States should submit a letter determining their status as fully built out with accompanying maps, tables, and data:

- An overall map of the State highlighting that all designated AFC corridors meet the fully built out criteria.
- Maps of individual designated AFC corridors showing the location of each station and the distance between stations and from the corridor
- A table identifying each station as identified on the corresponding maps. The table should detail and verify all of the information needed to make a fully built out determination (see "Fully Built Out Criteria" preceding). The Joint Office will be available to provide technical assistance to States, however certification rests with FHWA.
- Optionally, States may submit accompanying Geographic Information Systems (GIS) data to include both the designated corridors and the station information.

States are encouraged to submit for certification at the same time as their annual Plan submissions.

### **Flexibility after Build Out Certification**

"If a State determines, and FHWA certifies<sup>3</sup>, that the designated AFCs for electric vehicles in the States are fully built out, then the State may use funds provided under the NEVI Formula Program for EV charging infrastructure on any public road or in other publicly accessible locations that are open to the general public or to authorized commercial motor vehicle operators from more than one company."<sup>4</sup>

- Publicly accessible locations may include public parking facilities, parking at public buildings, public transportation stations, Park-and-Rides, public schools, public parks, private parking facilities available for public use, and visitor centers and other public locations on Federal Lands.
- If the Secretary certifies a State's determination that its AFCs for electric vehicles are fully built out, that certification will apply to obligation of all remaining NEVI

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<sup>3</sup> As delegated by the Secretary of Transportation.

<sup>4</sup> Paragraph (2) of the Highway Infrastructure Program heading in title VIII of division J of the BIL.

Formula Program funding authorized through FY 2026. This certification should not be construed as implying that additional State, local, or private sector investment is not necessary or encouraged.

- Stations do not need to be funded by the NEVI Formula Program to be counted towards a fully built out determination, but they must meet the “Fully Built Out Criteria” identified in this section.
- All one-mile and fifty-mile exception requests are considered permanent with a fully built out certification.
- **[REVISED]** After certification of full build out, States may also use NEVI funds for AC Level 2, medium and heavy duty, and off-corridor EV chargers.

**NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI) FORMULA PROGRAM**  
**STATUS OF FUNDS**  
**AS OF FEBRUARY 6, 2025**

STATE	TOTAL AVAILABLE	TOTAL OBLIGATIONS	UNOBLIGATED BALANCE	UNPAID OBLIGATIONS	TOTAL EXPENDITURES
ALABAMA	62,415,851.00	299,520.00	62,116,331.00	216,127.45	83,392.55
ALASKA	41,250,989.00	1,122,662.82	40,128,326.18	595,261.31	527,401.51
ARIZONA	60,193,112.00	12,090,426.00	48,102,686.00	10,875,499.40	1,214,926.60
ARKANSAS	42,594,130.00	80,000.00	42,514,130.00	55,595.84	24,404.16
CALIFORNIA	301,952,392.00	2,111,375.00	299,841,017.00	1,784,493.65	326,881.35
COLORADO	44,494,590.00	8,368,277.00	36,126,313.00	8,368,277.00	
CONNECTICUT	41,320,654.00	1,440,000.00	39,880,654.00	1,155,326.14	284,673.86
DELAWARE	13,916,534.00	10,150,125.00	3,766,409.00	9,987,185.63	162,939.37
DISTRICT OF COLUMBIA	13,126,783.00	3,552,666.00	9,574,117.00	3,538,562.25	14,103.75
FLORIDA	155,871,815.00	9,400,000.00	146,471,815.00	6,010,504.30	3,389,495.70
GEORGIA	106,225,941.00	12,018,243.56	94,207,697.44	8,976,716.14	3,041,527.42
HAWAII	13,914,498.00	11,846,015.52	2,068,482.48	8,099,164.82	3,746,850.70
IDAHO	23,530,684.00	800,004.00	22,730,680.00	133,667.38	666,336.62
ILLINOIS	116,965,521.00	25,479,521.29	91,485,999.71	25,479,521.29	
INDIANA	78,390,006.00	3,831,649.20	74,558,356.80	3,209,902.06	621,747.14
IOWA	40,431,778.00	2,700,860.41	37,730,917.59	1,861,305.22	839,555.19
KANSAS	31,089,134.00	644,446.00	30,444,688.00	644,446.00	
KENTUCKY	54,661,824.00	36,870,951.10	17,790,872.90	34,960,616.41	1,910,334.69
LOUISIANA	57,740,621.00		57,740,621.00		
MAINE	15,186,348.00	15,186,348.00		14,583,660.87	602,687.13
MARYLAND	49,438,402.00	14,668,457.72	34,769,944.28	14,639,961.23	28,496.49
MASSACHUSETTS	49,965,632.00	49,965,632.00		49,965,632.00	
MICHIGAN	86,618,888.00	57,961,353.92	28,657,534.08	56,145,585.08	1,815,768.84
MINNESOTA	53,645,989.00	10,880,891.36	42,765,097.64	10,880,891.36	
MISSISSIPPI	39,788,949.00	1,449,698.00	38,339,251.00	769,572.00	680,126.00
MISSOURI	77,882,742.00		77,882,742.00		
MONTANA	33,754,525.00	698,760.00	33,055,765.00	296,002.60	402,757.40
NEBRASKA	23,779,161.00	592,763.65	23,186,397.35	310,513.53	282,250.12
NEVADA	29,873,416.00		29,873,416.00		
NEW HAMPSHIRE	13,592,785.00	4,128,058.00	9,464,727.00	3,622,957.35	505,100.65
NEW JERSEY	82,142,066.00	9,038,495.85	73,103,570.15	8,769,316.73	269,179.12
NEW MEXICO	30,211,385.00	11,693,974.72	18,517,410.28	11,693,974.72	
NEW YORK	138,092,658.00	17,733,999.00	120,358,659.00	17,669,191.69	64,807.31
NORTH CAROLINA	85,802,360.00	8,285,408.00	77,516,952.00	7,336,312.00	949,096.00
NORTH DAKOTA	20,424,680.00	1,864,346.46	18,560,333.54	1,082,418.51	781,927.95
OHIO	110,274,939.00	9,810,736.75	100,464,202.25	2,316,213.23	7,494,523.52
OKLAHOMA	52,175,910.00	3,478,999.00	48,696,911.00	2,293,731.96	1,185,267.04
OREGON	41,120,395.00	29,047,405.58	12,072,989.42	26,094,376.91	2,953,028.67
PENNSYLVANIA	134,982,112.00	76,950,000.00	58,032,112.00	73,820,345.44	3,129,654.56
RHODE ISLAND	17,992,035.00	1,650,183.76	16,341,851.24	48,797.83	1,601,385.93
SOUTH CAROLINA	55,089,235.00	1,760,000.00	53,329,235.00	1,149,536.97	610,463.03
SOUTH DAKOTA	23,200,772.00	773,214.48	22,427,557.52	300,000.00	473,214.48
TENNESSEE	69,519,878.00	638,360.00	68,881,518.00	158,398.20	479,961.80
TEXAS	320,919,923.00	22,985,071.33	297,934,851.67	22,985,071.33	
UTAH	28,567,107.00	13,104,152.00	15,462,955.00	12,765,047.70	339,104.30
VERMONT	16,696,866.00	823,342.29	15,873,523.71	268,384.71	554,957.58
VIRGINIA	83,718,326.00	792,444.00	82,925,882.00	292,444.00	500,000.00
WASHINGTON	55,771,175.00	500,000.00	55,271,175.00	118,309.31	381,690.69
WEST VIRGINIA	35,952,783.00	280,000.00	35,672,783.00		280,000.00
WISCONSIN	61,901,479.00	16,904,011.37	44,997,467.63	15,695,733.88	1,208,277.49
WYOMING	21,075,959.00		21,075,959.00		
PUERTO RICO	10,754,263.00	155,192.61	10,599,070.39	155,192.61	
<b>TOTAL</b>	<b>3,270,000,000.00</b>	<b>526,608,042.75</b>	<b>2,743,391,957.25</b>	<b>482,179,746.04</b>	<b>44,428,296.71</b>

**From:** [Biondi, Emily \(FHWA\)](#)  
**To:** [cooperir.dot.state.al.us](#); [Ryan.Anderson@alaska.gov](#); [jtoth.azdot.gov](#); [Director@azdot.gov](#); [Jared.wiley@ardot.gov](#); [tony.tavares@dot.ca.gov](#); [shoshana.lew@state.co.us](#); [garrett.eucalitto@ct.gov](#); [shante.hastings@delaware.gov](#); [Sharon.Kershbaum@dc.gov](#); [Jared.Perdue@dot.state.fl.us](#); [rmcmurry.dot.ga.gov](#); [win.h.sniffen@hawaii.gov](#); [ott.stokes@itd.idaho.gov](#); [a.Biagi@illinois.gov](#); [bernathy@indot.IN.gov](#); [scott.marler@iowadot.us](#); [Calvin.Reed@ks.gov](#); [Jim.gray@ky.gov](#); [Joe.Donahue@la.gov](#); [bruce.dot@maine.gov](#); [pwiedefeld@mdot.maryland.gov](#); [m.tibbits.nutt@dot.state.ma.us](#); [wieferichb@michigan.gov](#); [nancy.daubenberger@state.mn.us](#); [bwhite@mdot.ms.gov](#); [ed.hassinger@modot.mo.gov](#); [cdorrington2@mt.gov](#); [vicki.kramer@nebraska.gov](#); [tlarkin@dot.nv.gov](#); [William.J.Cass@dot.nh.gov](#); [francis.oconnor@dot.ni.gov](#); [ricky.serna@dot.nm.gov](#); [MarieTherese.Dominguez@dot.ny.gov](#); [jhopkins@nccdot.gov](#); [rhenke@nd.gov](#); [Pamela.Boratyn@dot.ohio.gov](#); [Tgatz@odot.org](#); [Kristopher.w.strickler@odot.state.or.us](#); [mcarroll@pa.gov](#); [peter.alviti.dot.ri.gov](#); [powelljp@scdot.org](#); [joe.lundt.state.sd.us](#); [Butch.Eley@fn.gov](#); [marc.williams@txdot.gov](#); [cbraceras.utah.gov](#); [joe.flynn@vermont.gov](#); [Stephen.Brich@vdot.virginia.gov](#); [julie.meredith@wsdot.wa.gov](#); [Stephen.T.Rumbaugh@wv.gov](#); [Kristina.Boardman@dot.wi.gov](#); [darin.westby@wyo.gov](#); [mpeegonzalez@act.pr.gov](#)  
**Cc:** [Payne, Jay \(FHWA\)](#); [Shepherd, Gloria \(FHWA\)](#); [Bezio, Brian \(FHWA\)](#); [Fleury, Nicolle \(FHWA\)](#); [Jensen, Gary \(FHWA\)](#); [Harkins, Michael \(FHWA\)](#); [Baker, Shana \(FHWA\)](#); [Gates, Angela \(FHWA\)](#); [FHWA-#ALLDA-OfficialMailbox](#); [FHWA-#ALLDA-PersonalMailbox](#); [FHWA-#ALLDFS-PersonalMailbox](#); [Adderly, Kevin \(FHWA\)](#); [HEPODs](#); [Thompson, Alafia \(FHWA\)](#); [FHWA-#ALLDEPDA-PersonalMailbox](#); [Nealer, Rachael](#); [HOA-Special-Assistants](#)  
**Subject:** ACTION: Suspending Approval of State Electric Vehicle Infrastructure Deployment Plans; Effective Immediately  
**Date:** Thursday, February 6, 2025 5:32:15 PM  
**Attachments:** [State Plan Approval Suspension.pdf](#)

---

The purpose of this email is to transmit the attached letter regarding the suspension of State Electric Vehicle Infrastructure Deployment Plans.

Thank you,

Emily Biondi  
Associate Administrator  
Office of Planning, Environment and Realty  
Federal Highway Administration  
202-366-9482  
[emily.biondi@dot.gov](mailto:emily.biondi@dot.gov)



U.S. Department  
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**Federal Highway  
Administration**

1200 New Jersey Ave., SE  
Washington, DC 20590

February 6, 2025

State Department of Transportation Directors

Subject: Suspending Approval of State Electric Vehicle Infrastructure Deployment Plans

Dear State Department of Transportation Directors:

The Federal Highway Administration (FHWA) administers several grant programs under which the applicable statutes require the Secretary to apportion grant funds to States under a prescribed statutory formula. The National Electric Vehicle Infrastructure (NEVI) Formula Program is one such program. Most statutory formula programs require the Secretary to make the prescribed apportionments to the States on a specific date and then make the funds available for obligation. *See, e.g.*, 23 U.S.C. 104. The NEVI Formula Program, however, is unique in that this Program requires the Secretary to approve a plan for each State describing how the State intends to use its NEVI funds.<sup>1</sup> The State plans are to be developed in accordance with guidance the Secretary provides on how States are to strategically deploy the electric vehicle (EV) charging network.<sup>2</sup> The NEVI Formula Program requires the Secretary to approve each State's plan prior to the obligation of NEVI Formula Program funds for each fiscal year.<sup>3</sup>

The new leadership of the Department of Transportation (U.S. DOT) has decided to review the policies underlying the implementation of the NEVI Formula Program. Accordingly, the current NEVI Formula Program Guidance dated June 11, 2024, and all prior versions of this guidance are rescinded. The FHWA is updating the NEVI Formula Program Guidance to align with

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<sup>1</sup> See National Electric Vehicle Infrastructure Formula Program provisos 4-9 of paragraph (2) under the Highway Infrastructure Programs heading in Title VIII, Division J of the Infrastructure Investment and Jobs Act, Pub. L. 117-58; November 15, 2021; 135 Stat.1422. *See also* Paragraph 5c of [FHWA Notice N 4510.895 Apportionment of Fiscal Year 2025 Highway Infrastructure Program Funds for the National Electric Vehicle Infrastructure Formula Program Pursuant to the Infrastructure Investment and Jobs Act](#) as well as Paragraph 5c of FHWA Notices N 4510.863, N 4510.873, and N 4510.883 for the apportionments for Fiscal Years 22, 23 and 24, respectively..

<sup>2</sup> See National Electric Vehicle Infrastructure Formula Program provisos 14-15 of paragraph (2) under the Highway Infrastructure Programs heading in Title VIII, Division J of the Infrastructure Investment and Jobs Act, Pub. L. 117-58; November 15, 2021; 135 Stat.1423.

<sup>3</sup> See National Electric Vehicle Infrastructure Formula Program provisos 4-9 of paragraph (2) under the Highway Infrastructure Programs heading in Title VIII, Division J of the Infrastructure Investment and Jobs Act, Pub. L. 117-58; November 15, 2021; 135 Stat.1422. *See also* Paragraph 5c of [FHWA Notice N 4510.895 Apportionment of Fiscal Year 2025 Highway Infrastructure Program Funds for the National Electric Vehicle Infrastructure Formula Program Pursuant to the Infrastructure Investment and Jobs Act](#) as well as Paragraph 5c of FHWA Notices N 4510.863, N 4510.873, and N 4510.883 for the apportionments for Fiscal Years 22, 23 and 24, respectively.

current U.S. DOT policy and priorities, including those set forth in DOT Order 2100.7, titled “Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities.” The FHWA aims to have updated draft NEVI Formula Guidance published for public comment in the spring. After the public comment period has closed, FHWA will publish updated final NEVI Formula Guidance that responds to the comments received.

As result of the rescission of the NEVI Formula Program Guidance, FHWA is also immediately suspending the approval of all State Electric Vehicle Infrastructure Deployment plans for all fiscal years. Therefore, effective immediately, no new obligations may occur under the NEVI Formula Program until the updated final NEVI Formula Program Guidance is issued and new State plans are submitted and approved. Instructions for the submission of new State plans for all fiscal years will be included in the updated final NEVI Formula Program Guidance. Since FHWA is suspending the existing State plans, States will be held harmless for not implementing their existing plans. Until new guidance is issued, reimbursement of existing obligations will be allowed in order to not disrupt current financial commitments.

If you have any questions, please contact Gary Jensen, Director of the Office of Natural Environment at [Gary.Jensen@dot.gov](mailto:Gary.Jensen@dot.gov) or 202-366-2048

Sincerely,



Emily Biondi  
Associate Administrator  
Office of Planning, Environment and Realty

cc: FHWA: HOA, HCC, HPL, HCF, FHWA Division Offices  
Joint Office Director